United Nations S/2005/665

Security Council

Distr.: General
24 October 2005
English
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Draft resolution

The Security Council,

Recalling its resolutions and the statements by its President on the Democratic Republic of the Congo, in particular resolutions 1565 of 1 October 2004, 1592 of 30 March 2005, 1596 of 18 April 2005 and 1621 of 6 September 2005 and 1628 of 30 September 2005, and the statement of 4 October 2005 (S/PRST/2005/46),

Reaffirming its commitment to respect for the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as of all States in the region, and its support for the process of the Global and All Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002,

Underlining the importance of elections as the foundation for the longer term restoration of peace and stability, national reconciliation and establishment of the rule of law in the Democratic Republic of the Congo,

Paying tribute to the donor community for the assistance they provide to the Democratic Republic of the Congo, and in particular to the electoral process, and *encouraging* them to maintain it,

Welcoming the interest and commitment shown by the Congolese authorities to promote good governance and transparent economic management, and *urging* all the components of the Government of National Unity and Transition to strengthen their efforts in continuing to build consensus in this regard,

Reiterating its serious concern regarding the continuation of hostilities by militias and foreign armed groups in the eastern part of the Democratic Republic of the Congo, and at the threat they pose to the holding of elections in the Democratic Republic of the Congo,

Deploring the violations of human rights and international humanitarian law carried out by these militias and groups and *stressing the urgent need* for those responsible for these crimes to be brought to justice,

Recognizing the link between the illegal exploitation of natural resources, the illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa, and in particular in the Democratic Republic of the Congo,

05-57724 (E) 281005

Taking note of the nineteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), dated 26 September 2005 (S/2005/603), and of its recommendations,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of MONUC until 30 September 2006;

2. *Having taken note of* the recommendations described in paragraphs 27 to 29 of the report of the Secretary-General, *authorizes* an increase of 300 personnel in the military strength of MONUC to allow for the deployment of an infantry battalion in Katanga, with enabling assets including its own air mobility and appropriate medical support, to provide additional security within its area of operations during the electoral period;

3. *Underlines* the temporary character of the increase referred to in the previous paragraph, and *requests* the Secretary-General to take the necessary steps with a view to downsizing or repatriating this additional strength from 1 July 2006 at the latest, and to report to the Council before 1 June 2006 on the assessment to be made for that purpose;

4. *Calls* on the Transitional institutions and on all Congolese parties to ensure that free, fair and peaceful elections take place, and that the timetable for polls developed by the Independent Electoral Commission is scrupulously respected, and *underlines* in this regard that it is the responsibility of the Congolese authorities to adopt the necessary legislation without further delay;

5. *Calls* on the Government of National Unity and Transition to carry out reform of the security sector, through the expeditious integration of the Armed Forces and of the National Police of the Democratic Republic of the Congo and in particular by ensuring adequate payment and logistical support for their personnel;

6. *Calls* on the donor community, as a matter of urgency, to continue to engage firmly in the provision of assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and *urges* the Government of National Unity and Transition to promote all possible means to facilitate and expedite cooperation to this end;

7. *Requests* MONUC, within its capacity and mandate, and in consultation with international financial institutions and donors, to continue to provide advice and assistance as well as the necessary support, to the effective follow-up to the meeting on 21 September 2005 between the Espace présidentiel and the International Committee in Support of the Transition, to strengthen support for good governance and transparent economic management;

8. *Welcomes* the action taken by MONUC in investigating and dealing with instances of sexual exploitation and abuse and its efforts to put in place preventive measures, *requests* the Secretary-General to continue to take the necessary measures to achieve actual compliance in MONUC with the United Nations zero-tolerance policy on sexual exploitation and abuse and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action, including predeployment awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

9. *Decides* to remain actively seized of the matter.

United Nations A/60/442–S/2005/666

General Assembly
Security Council

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24 October 2005

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General Assembly
Sixtieth session
Agenda item 19
Question of Cyprus

Security Council
Sixtieth year

Letter dated 20 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 20 October 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus, forwarding the letter of Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter, including the text of Mr. Talat's letter, could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Ersin **Erçin**
Minister Counsellor
Deputy Permanent Representative
Chargé d'affaires a.i.

05-56764 (E) 251005

Annex to the letter dated 20 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of a letter dated 12 October 2005 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I would be grateful if the text of the present letter and its enclosure could be circulated as a document of the General Assembly, under agenda item 12, and of the Security Council.

(*Signed*) Re[at **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Enclosure

I am writing to you with a sense of foreboding for the future in the face of the fast increasing maltreatment of Turkish Cypriots visiting South Cyprus as a result of the rising trend of racism, chauvinism and ultra-nationalism among the Greek Cypriots.

As you would remember, the crossings between the North and the South have become possible following our unilateral and courageous step to open the border for reciprocal crossings on 23 April 2003. Since then, more than seven million crossings have taken place (Security Council resolution 1604 (2005) dated 17 June 2005). Encouraged by the volume, as well as the absence of a major incident experienced during reciprocal visits until last year, we increased our efforts to open additional points to make crossings easier and more convenient for both Turkish Cypriots and Greek Cypriots. In line with this understanding, and despite numerous delaying tactics employed by the Greek Cypriot leadership, most recently, on 31 August 2005, we have opened Bostanci (Zodhia) gate to the west of the island where there was no crossing point. We continue to believe that contacts between the two peoples of the island is vital for reconciliation and better understanding between the two sides.

However, following the simultaneous referenda held in Cyprus on the comprehensive settlement plan of the United Nations Secretary-General on 24 April 2004, which was overwhelmingly accepted by the Turkish Cypriot people and resoundingly rejected by the Greek Cypriot side at the behest of their leadership, the peaceful nature of the reciprocal visits fast deteriorated, and we have observed, with great concern, the rising trend of racism, chauvinism and ultra-nationalism against the Turkish Cypriots visiting the South. It should be underlined at this point that since the inception of the reciprocal crossings, almost no incident against the Greek Cypriots visiting North Cyprus has been witnessed.

On the other hand, the Greek Cypriot authorities and civilians are increasingly harassing the Turkish Cypriot people visiting the South. Some examples of the ongoing policy of cruel, inhuman and degrading treatment of Turkish Cypriots are listed below.

In July 2004, inmates at Nicosia's central prison in Southern Cyprus managed to smuggle out a petition signed by 50 Turkish Cypriot and non-Cypriot prisoners to the Greek Cypriot daily *Cyprus Mail*, accusing the authorities at the jail of "institutional racism". The petition contained information by a Turkish Cypriot inmate that Turkish Cypriot prisoners were regularly subjected to violence by Greek Cypriot inmates and that wardens were unsympathetic to their calls for protection. He complained that the way Turkish Cypriot and foreign prisoners are treated compared to their Greek Cypriot inmates is different in every aspect of prison life. Furthermore, he complained about wardens joining in the violence against non-Greek Cypriot inmates and sexual abuse of foreigners by Greek Cypriot inmates (Greek Cypriot daily, *Cyprus Mail*, dated 20 July 2004).

The established practice of maltreatment of Turkish Cypriots in the Greek Cypriot prisons was also confirmed in the report [CommDH(2004)2] of Mr. Alvaro Gil-Robles, the Commissioner of Human Rights of the Council of Europe, dated 12 February 2004, in which it was stated and I quote: "Several allegations of maltreatment of prisoners by police officers have been received. This included kicks

and punches to the body and the head; death threats with a pistol held to the head; electrical shocks to various parts of the body. In some cases, the severity of the instances of maltreatment was such that they could be designated as torture. The European Court moreover found in two judgements (Egmez v. Cyprus of 21 December 2000 and Deniz and others v. Cyprus of 23 May 2001) that inhuman treatment had been inflicted by the police on Turkish Cypriots".

The maltreatment of the Turkish Cypriots in Southern Cyprus is not only confined to Greek Cypriot prisons. On 10 December 2004, Mr. Hamit Soyel and his fiancée Ms. Zehra Susuz were chased, harassed, threatened with death and guns were fired at their car by Greek Cypriots dressed in civilian clothes while travelling around Ayia Napa in Southern Cyprus. Instead of arresting the suspects who carried out the attack, the Greek Cypriot police detained Mr. Soyel and Ms. Susuz, rummaged their car as if they were criminals and they were put into jail. After their arrest, the Greek Cypriot police tried to fabricate charges against them. However, they could only fine them with traffic offence and they were subsequently released by the Greek Cypriot court. Additionally, it was revealed during the court proceedings that the men who fired at them were actually Greek Cypriot police dressed in civilian clothes (Turkish Cypriot daily, *Halkin Sesi*, dated 21 December 2004).

On 29 July 2005, in South Cyprus, a group of five Greek Cypriots, members of the Greek Cypriot ultra-nationalist group Chrysi Avghi (Golden Dawn), asked to a gathering of four men sitting in a café (one of them a Turkish Cypriot, Mr. Sadik Aktan) why were they speaking in English instead of Greek and when they were told that one of them could not speak Greek, they demanded to be told his nationality. When they learned that he was a Turkish Cypriot, they severely beat him up as well as his Greek Cypriot companions. One of the attackers, Mr. Christodoulos Nicolaides, was arrested, however the suspect was later released on bail (Greek Cypriot daily, *Cyprus Mail*, dated 2 and 6 August 2005). Interestingly, during the court proceedings, one of the companions of Mr. Aktan, who was also beaten up in the incident, surprisingly withdrew his complaint and told the court that he was not able to identify Mr. Christodoulos Nicolaides as one of the attackers (Greek Cypriot daily, *Cyprus Mail*, dated 21 September 2005). The fact that another legal proceeding is under way against Mr. Christodoulos Nicolaides for verbal and physical attack against a Turkish Cypriot family corroborates the view that this is not an isolated event. In this incident, Mr. Veysel Toksoy and his son were attacked, in the presence of his wife and children, by Mr. Nicolaides, at a fountain in Trodoos where they had stopped to eat their lunch on the way back to Nicosia after a day trip (Greek Cypriot daily, *Cyprus Mail*, dated 23 September 2005).

Another case, which was not published in newspapers, but brought to the information of the Turkish Cypriot authorities, is the situation of Mr. Gökçe Malek. On 1 August 2005, Mr. Malek, a Turkish Cypriot youngster driving in the southern part of Nicosia, was stopped and severely beaten up by the Greek Cypriot policemen dressed in civilian clothes and was put into prison. He was unaware on what grounds he was stopped and beaten up by the police as they spoke to him only in Greek. He tried to explain himself in English but to no avail. He spent two nights in prison without access to his family or a lawyer. When he was finally put to trial, the Greek Cypriot judge insulted him after his lawyer informed the court that the defendant was a student, preparing for his exams in a Turkish Cypriot university.

The judge retorted that "there can be no university in a territory which is illegal and under occupation. It is a pseudo university in a pseudo State". For the sake of his early release from detention and to end his ordeal at the hands of the Greek Cypriot police, Mr. Malek succumbed to his fear and pleaded guilty for dangerous driving and resisting to the police. Subsequently, he was fined and released by the Greek Cypriot court.

On 11 August 2005, four tourist buses, which were regularly used to transport tourists from the Greek Cypriot resort Ayia Napa to the Turkish Cypriot side of the island, were set on fire and completely destroyed (Greek Cypriot daily, *Cyprus Mail*, 12 August 2005). The perpetrators of this incident are still at large.

Recently, according to the Greek Cypriot daily *Alithia* dated 1 October 2005, a 62-year-old Turkish Cypriot named Vedat Bink□ylü, while travelling with his car in the Greek Cypriot part of Nicosia, was chased by a car manned by three Greek Cypriots who forced him to stop for no apparent reason. Subsequently, the men assaulted him and badly damaged his car. Upon the complaint of Mr. Bink□ylü to the Greek Cypriot police, a Greek Cypriot named Mr. Yoannis Aristidu was detained and later identified as one of the perpetrators by the victim. The newspaper also highlighted the rising trend of attacks against the Turkish Cypriots and pointed out that the number of attacks towards the Turkish Cypriots in South Cyprus are much more than the complaints that have been conveyed to the Greek Cypriot police (Greek Cypriot daily, *Alithia*, 1 October 2005).

Lately, T-shirts sporting a racist and chauvinist slogan "A good Turk is the dead Turk" worn by the Greek Cypriot soldiers during 1990s, have again reappeared in Greek Cypriot National Guard camps in South Cyprus. This time, there was a minor change in the slogan, "The only good Turk is the dead Turk".

It should be remembered that to promote nationalism among the Greek Cypriots, the Greek Cypriot administration has declared 2005 as the "Year for the Remembrance and Honouring of EOKA Liberation Struggle". As is known, EOKA, which took different forms and names from 1955 to 1974 was a Greek Cypriot ultra-nationalist organization responsible for the killing of many Turkish Cypriots and British Citizens as well as Greek Cypriots, who disagreed with its ultimate goal of the annexation of the island to Greece (enosis). It has been observed that during the leadership of Mr. Tassos Papadopoulos, who was unfortunately one of the masterminds of EOKA, campaigns to increase sympathy for EOKA and to promote it among the Greek Cypriot youth have increased considerably. We have also observed with great concern that all EOKA members, including murderers, were declared as heroes and honoured with decorations by the Greek Cypriot leadership.

Such incidents witnessed in South Cyprus based on racism, extremism and ultra-nationalism constitute a gross violation of the fundamental human rights, in particular of article 14 of the European Convention on Human Rights and Fundamental Freedoms of the Council of Europe as well as article 21 of the Charter of Fundamental Rights of the European Union, which among other things, clearly obligate States not to discriminate individuals on the grounds of race and ethnic origin. The respect for human rights and fundamental freedoms and the rule of law are among the basic founding principles of the European Union, which should be embraced by all Member States, including the Greek Cypriot administration.

Therefore, we call on the international community, and in particular the European Union, to urge the Greek Cypriot leadership to take necessary steps for the immediate cessation of all forms of discriminatory acts against Turkish Cypriots based on racism, chauvinism and ultra-nationalism, which emanate from decades-old Greek Cypriot policy of dominating the island at the expense of the legitimate rights of the Turkish Cypriot people enshrined in international treaties.

The Turkish Cypriot people, nonetheless, are determined to continue to tread the path of unification in the island. It is obvious that the good will of one side is not enough for achieving progress towards that end, particularly at a time when the tolerance against the Turkish Cypriot people in the Greek Cypriot administered South Cyprus is fast deteriorating.

In conclusion, as the Turkish Cypriot side, I would like to reiterate our commitment to finding a peaceful solution to the Cyprus problem and underline, once again, that with a view to reaching that goal, we are ready for the resumption of negotiations on the basis of the Annan Plan under the good offices mission of the United Nations Secretary-General.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Mehmet Ali **Talat**
President

United Nations S/2005/667

Security Council

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25 October 2005

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Letter dated 21 October 2005 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On instructions from my Government, and in the capacity of Uganda as the host to the Tripartite Plus Joint Commission held in Kampala on 21 October 2005, I have the honour to attach herewith a letter jointly signed and addressed to you by the Minister of External Relations and International Cooperation of the Republic of Burundi, the Minister for Regional Cooperation of the Democratic Republic of the Congo, the Minister for Foreign Affairs and Cooperation of the Republic of Rwanda, and the Minister for Foreign Affairs of the Republic of Uganda; with a request that it be circulated as a document of the Security Council.

Also attached is a recommendation for the amendment of the draft resolution for renewal of the MONUC mission, now under consideration by the Security Council.

I should be grateful if this letter and the Ministers' joint letter including its attachment were circulated as a document of the Security Council.

(*Signed*) Francis K. **Butagira**
Ambassador
Permanent Representative

05-56831 (E) 261005

Annex to the letter dated 21 October 2005 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

21 October 2005

We, the Ministers of the Partner States of the Tripartite Plus Joint Commission, meeting at Kampala, Uganda, on 20 and 21 October 2005, after evaluation of the security situation in the eastern Democratic Republic of the Congo,

- concerned at the refusal of the armed groups operating in the eastern Democratic Republic of the Congo to voluntarily disarm
- aware that the activities of these armed groups are detrimental to regional peace and security and endanger the electoral process in the Democratic Republic of the Congo
- noting that despite the best efforts of the United Nations Organization Mission in the Democratic Republic of the Congo, it has effectively reached the limits of voluntary disarmament
- considering that the current MONUC mandate has not adequately addressed the need to track, contain and disarm said groups
- noting the need to build capacity of the armed forces and national police of the Democratic Republic of the Congo
- concerned that, because of the lack of a strong mandate, MONUC is not perceived as a credible threat by the armed groups,

hereby make recommendation to the United Nations Security Council regarding the renewal of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo.

We propose that the draft resolution be strengthened to emphasize the necessity to address the following:

(i) Identifying by name all armed groups currently operating in the eastern Democratic Republic of the Congo;

(ii) Disarmament, using all necessary means, of all armed groups and militias in the eastern Democratic Republic of the Congo;

(iii) Redoubling the efforts of the donor community to support the integration, training and equipping of Democratic Republic of the Congo armed forces and national police.

Find enclosed our recommendations for amendment of the draft resolution for renewal of the MONUC mission, now under consideration by the Security Council. We hereby request that the President of the Security Council circulate this document and its attachment as a document of the Security Council.

For the Republic of Burundi:
(*Signed*) Antoinette **Batumubwira**
Minister of External Relations and International Cooperation

For the Democratic Republic of the Congo:
(*Signed*) Mbusa **Nyamwisi**
Minister for Regional Cooperation

For the Republic of Rwanda:
(*Signed*) Charles **Murigande**
Minister for Foreign Affairs and Cooperation

For the Republic of Uganda:
(*Signed*) Sam K. **Kutesa**
Minister for Foreign Affairs

Attachment

Authorizes MONUC to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to disarm any armed group, foreign or Congolese, that operates in the eastern Democratic Republic of the Congo, to include but not limited to the ex-FAR and Interahamwe, PRA, ADF/NALU, MRC, FLEC, LRA, FNL/Palipehutu, and all other armed groups who have a verifiable record of attacking civilians, threatening the political process, or are on the international terrorist list or listed as international terrorist organizations;

Calls on the donor community to redouble its efforts in the provision of assistance needed for the integration, training and equipping of the armed forces and of the national police of the Democratic Republic of the Congo, and urges the Government of National Unity and Transition to work with its friends to facilitate and expedite cooperation to this end.

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Letter dated 24 October 2005 from the Secretary-General addressed to the President of the Security Council

As members of the Security Council are aware, the situation with regard to the United Nations Mission in Ethiopia and Eritrea (UNMEE) has seriously deteriorated. I believe that the present state of affairs represents more than just an alarming situation; it constitutes a crisis that requires the full attention of, and urgent and specific action by, the international community. I am concerned, that in the absence of concrete action, the situation could escalate and, by intent or as a result of a miscalculation, lead to another round of devastating hostilities.

The Council has been thoroughly briefed on the latest turn of events affecting this important peacekeeping operation, most recently on 19 October, both in informal consultations and at a special meeting with the troop-contributing countries. As was underlined in those briefings, Eritrea's decision to restrict all types of helicopter flights by UNMEE within Eritrean air space severely inhibits the Mission's capacity to implement its monitoring mandate, as requested by the parties in the Agreement on Cessation of Hostilities of 18 June 2000, and authorized by the Security Council in its resolutions 1312 (2000) and 1320 (2000). As such, the decision also seriously affects the prospects for the implementation of the Peace Agreement between Eritrea and Ethiopia, signed in Algiers on 12 December 2000 by the leaders of the two countries and witnessed by representatives of Algeria, the European Union, the Organization of African Unity (now the African Union), the United Nations, and the United States of America.

In addition, the Eritrean restriction dramatically affects the security of United Nations peacekeepers and their operations, to the extent that the continuing occupation of small posts in isolated places — which constitute 18 out of 40 locations — has become unsustainable and is no longer operationally viable. At the above-mentioned meeting with troop-contributing countries, the Permanent Representative of India, Ambassador Nirupam Sen, and the Permanent Representative of Jordan, His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein, expressed their alarm at the implications of the helicopter ban and other restrictions imposed by the Eritrean authorities, and described them as unacceptable to their Governments. They appealed to the Council to send an unequivocal and strong message, in order to reverse an increasingly untenable situation. At the same time, the Prime Minister of Ethiopia, Meles Zenawi, has stated to the press that members of the Eritrean Defence Force have infiltrated the Temporary Security Zone, and urged the United Nations to "take measures to restore the status quo".

05-56950 (E) 251005

As you have been informed in the briefings mentioned above, I have conveyed my serious concern regarding these issues in a letter to the President of Eritrea, Isaias Afwerki, and appealed to his Government to reconsider the damaging restrictions without delay. On 20 October, I received a reply in which the President states that the Security Council and I have forfeited our "relevance" on matters relating to the peace process.

In view of the above, I once again call on the Security Council to exert its maximum influence to avert a further deterioration of the situation and to ensure that the restrictions imposed on UNMEE are lifted. At the same time, after years of frustrating stalemate, it would be imperative for the Security Council — as the principal organ entrusted with the primary responsibility for the maintenance of international peace and security — to address the underlying causes of the stalemate in the peace process, including those relating to the Ethiopian position on the decision of the Eritrea-Ethiopia Boundary Commission. The concerted and resolute action of the Council will be essential in bringing about the full implementation of the Algiers Agreements and restoring peace between the two countries.

Finally, I would like to express my growing concern about the restrictions placed on humanitarian operations in Eritrea, including the significant delay in relief food distributions, the impoundment of the United Nations project vehicles and the lack of access to some of the Organization's warehouses and containers. Those decisions have had an adverse impact on humanitarian activities and have exacerbated the situation of vulnerable Eritrean communities. In addition, food insecurity remains of paramount concern, and malnutrition rates exceed the emergency threshold in many parts of the country. Irrespective of political issues and considerations, it is critical that restrictions on humanitarian operations are lifted. At the same time, I wish to stress that efforts to address the root causes of food insecurity cannot be effectively tackled until there is significant progress in the peace process.

I stand ready to work closely with the Security Council, collectively, and with key stakeholders, individually, to bring this dangerous crisis to an end, to conclude the peace process expeditiously, and to re-establish vital humanitarian activities in Eritrea.

(*Signed*) Kofi A. **Annan**

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Agenda items 64 and 118

Advancement of women

United Nations reform: measures and proposals

Security Council
Sixtieth year

Letter dated 24 October 2005 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

I have the honour to forward the report of the High-level Meeting on "Building partnerships for promoting gender justice in post-conflict societies" that was organized by the Swedish Ministry for Foreign Affairs, in cooperation with the United Nations Development Fund for Women (UNIFEM) and the International Legal Assistance Consortium (ILAC), from 25 to 26 August 2005 in Stockholm (see annex). The meeting was chaired by Ms. Annika Söder, State Secretary for International Development Cooperation of the Swedish Ministry for Foreign Affairs.

I would be grateful if the present letter and the report could be brought to the attention of the members of the United Nations Security Council and issued as a document of the Security Council. I would further request that the present letter and the report be issued as a document of the sixtieth session of the United Nations General Assembly under agenda items 64 and 118.

(*Signed*) Anders **Lidén**
Ambassador
Permanent Representative of Sweden to the United Nations

05-56989 (E) 081105

Annex to the letter dated 24 October 2005 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

Report of the High-Level Meeting on "Building Partnerships for Promoting Gender Justice in Post-Conflict Societies" organized by the Swedish Ministry for Foreign Affairs, in cooperation with the UN Development Fund for Women (UNIFEM) and the International Legal Assistance Consortium (ILAC), in Stockholm on 25–26 August 2005

A. INTRODUCTION

1. In fragile post-conflict settings, a country emerging from war and seeking to secure peace, justice, and democracy faces many challenges across the humanitarian, development and security spheres. As Baroness Valerie Amos, Leader of the House of Lords and President of the Council of the United Kingdom, speaking on behalf of the Presidency of the European Union, so succinctly stated at this meeting:

> "Wherever the rule of law is replaced by conflict, then everyone suffers, but women suffer disproportionately. Wherever justice systems are under-resourced, dysfunctional, corrupt, inaccessible, powerless or even non-existent, then everyone suffers, but women suffer disproportionately. Wherever impunity is the norm, not just for yesterday's crimes but also for today's, not just for sexual violence, but for corruption, theft or land-grabbing, then everyone suffers, but women suffer disproportionately."

That the requirements of gender justice in a post-conflict society are immediate and vast is well-established. It is also broadly acknowledged that a country's transition from conflict provides unique opportunities to adopt strategies and policies for the re-establishment of rule of law and the promotion of gender equality and gender justice as well as the direct participation of women throughout the transition process. A core issue to be confronted is how the international community can best support national actors in promoting strategies, policies and programmes which integrate gender perspectives throughout the legal and judicial framework and ensure that women's capacities are fully utilized in the transformation of the country.

2. To contribute to efforts to accelerate implementation of the objectives and calls of Security Council resolution 1325 (2000), which underlined the need to mainstream gender justice and gender equality in conflict prevention, conflict resolution and peace-building processes, UNIFEM and ILAC organized a Conference on Gender Justice in Post-Conflict Situations, with the theme "Peace Needs Women and Women Need Justice", from 15-17 September 2004 in New York City. The Conference built on the findings and recommendations of the 2002 report of the UNIFEM-appointed Independent Experts, Mrs. Elisabeth Rehn (former Defense Minister of Finland) and Ms. Ellen Johnson Sirleaf (former Finance Minister of Liberia), entitled *The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (Progress of the World's Women 2002, Vol. 1). The Conference brought women holding key legal and judicial positions from over twelve conflict-affected countries together with a range of international players -- representatives of other Member States, regional organizations, senior UN officials, non-governmental organizations (NGOs), academic institutions, foundations and private entities -- so that they could share their views on whether the gender justice aims of resolution 1325 were being implemented in justice-related activities of national and international actors on the ground

(including in UN peace operations). The three-day dialogue resulted in a broad range of observations and recommendations relating to the priority gender justice requirements and assistance most needed in the conflict-affected countries concerned as well as best practices that had emerged in some of those countries. The report of the Conference (hereinafter "UNIFEM/ILAC Conference") was brought to the attention of the Security Council and issued as a document of the Council (S/2004/862 of 26 October 2004).

3. The High-Level Meeting in Stockholm on "Building Partnerships for Promoting Gender Justice in Post-Conflict Societies", organized by the Swedish Ministry for Foreign Affairs, in cooperation with UNIFEM and ILAC, from 25–26 August 2005 (hereinafter "Stockholm Meeting") was a follow-up to the UNIFEM/ILAC Conference. Taking stock of the recommendations emanating from the UNIFEM/ILAC Conference, as well as the ongoing process of UN reform, the overall goal of the Stockholm Meeting was to focus on how gender justice requirements, within the context of rule of law and post-conflict peacebuilding, can best be addressed and operationalized in such settings.

4. The Stockholm Meeting, chaired by Swedish State Secretary Annika Söder, brought together key partners within the UN system; Member States, including national women stakeholders (primarily at the ministerial level) from Afghanistan, Haiti, Liberia and Sudan; regional organizations; international financial institutions (IFIs); and NGOs. These partners were brought together to determine what major conclusions and recommendations raised at the UNIFEM/ILAC Conference require follow-up action by the UN system as a whole as well as by Member States, regional organizations, NGOs and other relevant actors, as well as to forge strategic partnerships for implementation and funding of such action so that progress on the recommendations can be achieved.

5. The Minister for Democracy, Metropolitan Affairs, Integration and Gender Equality in the Ministry of Justice of Sweden, Mr. Jens Orback, set the stage for the meeting by stating:

> "When we talk about armed conflicts or other kinds of political violent crisis which occurred in history, it is often easy to be wise afterwards. We say that 'if we had only known,' 'had we had the information,' 'if we had been there we would have . . .', but we often say those wise words when the conflict is over, or when the assaults are already a fact; when it is too late to have injustice undone. But it is not too late however to learn from history and it is not too late to do everything you can to prevent this from happening again. We are well aware of these gender issues that are most pressing in the world and we have the chance to do something here and now."

Minister Orback concluded his opening remarks by requesting that the participants use the meeting to "transform words into action".

6. For the sake of clarity and consistency, the recommendations in this Stockholm Meeting report are presented under the same thematic headings as those in the UNIFEM/ILAC Conference report. This report focuses specifically on the recommendations that emerged from both the UNIFEM/ILAC Conference and the Stockholm Meeting, and does not attempt to summarize the important and moving discussions that occurred on other topics and issues. Copies of the written statement of each speaker, as well as the meeting agenda, list of participants and concept note for the meeting, are posted on the Swedish Ministry of Foreign Affairs' website at www.ud.se as well as on UNIFEM's website at www.unifem.org. To give a broader context to the recommendations from the Stockholm Meeting, they have been grouped under various recommendations extracted from the

text of the UNIFEM/ILAC Conference report; that extracted text is presented in this report in italics.[1] However, this extracted text is not intended to comprehensively include all the recommendations and observations raised at the UNIFEM/ILAC Conference,[2] and includes only those recommendations that were further discussed in Stockholm. In an effort to focus on the main recommendations that emerged from the Stockholm Meeting and to also provide a comprehensive overview, the recommendations are consolidated, where appropriate, without attribution. The recommendations in this report are not presented in order of importance; the meeting time in Stockholm did not allow for prioritization.

7. To facilitate the Stockholm discussions, all speakers and participants were provided with a copy of the full UNIFEM/ILAC Conference report (and the augmented Conference Publication) as well as a Concept Note for the meeting which included an annex containing the "Key Conference Recommendations Relating to Institutional Structures and Mechanisms Needed for the UN System to Better Respond to the Gender Justice Requirements of Women in Post-Conflict Societies". An additional backdrop to the discussions at the Stockholm Meeting was the proposed UN Peacebuilding Commission;[3] extensive discussions during the meeting underlined the importance of the UN including gender justice in the agenda of the Commission as well as in its support office. Consequently, and in light of the ongoing process of UN reform, this report has a strong emphasis on recommendations relating to the UN.

8. The overview presented in this report draws liberally from the voices of experience heard at the Stockholm Meeting. But there has been no effort to independently validate the statements made during discussions at the meeting or in the written submissions of the speakers.[4]

B. RECOMMENDATIONS

I. Reform of National Laws (including Customary/Traditional Systems of Law) and Constitutions to Address Discriminatory Practices and Gaps and to Advance the Protection of Women's Rights in Conformity with International Law

9. *Maintaining the status quo of the legal system during the post-conflict period, when so much has changed and yet so much remains unchanged for the welfare of women and girls, can be a convenience many post-conflict leaders seek. But, for at least some period of time, the world's attention on the conflict and its aftermath highlights the weaknesses of the national legal system and demands change. (NY para. 10)*

Gender justice cannot be realized as long as countries continue to maintain laws that discriminate against women. While such gender-linked flaws in the laws exist in the absence of any armed conflict or post-conflict situation, the fact that they persist into the post-conflict period makes it extremely difficult to ensure the participation of women in critical transitional developments and emerging institutions and, more generally, their full integration and well-being in society. A large

[1] All extracts from the UNIFEM/ILAC Conference report are followed by a reference to the paragraph number where they can be found in that report (S/2004/862). However, in some instances, the text may be included under a different inter-related heading in this report than it was in the UNIFEM/ILAC report.

[2] The full written statements of the speakers at the UNIFEM/ILAC Conference and the 46-page compilation of summary extracts from those statements, as well as the Conference report, are posted on UNIFEM's web portal on women, peace and security at http://www.womenwarpeace.org/issues/justice/gender_justice_conference.htm.

[3] The Stockholm Meeting took place prior to the UN General Assembly's adoption of the 2005 World Summit Outcome, and therefore the recommendations at the Stockholm Meeting do not refer to the decisions reflected in that document.

[4] The Rapporteur for the Stockholm Meeting was Ms. Shelby R. Quast.

number of discriminatory laws explicitly perpetuate de jure discrimination with regard to personal status, marital status, violence against women, property ownership, and inheritance rights. The problem becomes particularly complex to unravel when codified law that may espouse equality co-exists with a local customary law that discriminates against women. (NY para. 11)

Whenever laws perpetuate women's inequality, even when their language appears gender-neutral, they constitute discrimination in violation of international norms. (NY para. 12)

[Some legal systems] continue to treat rape and crimes of sexual violence as "honour" crimes. Such obstacles to gender justice need to be removed through persistent efforts at thorough reform of national laws and civic education. (NY para. 22)

As legal reform unfolds, it will achieve its greatest potential provided massive education programs about gender-based violence and newly adopted or strengthened legal norms are undertaken by post-conflict governments, in consultation with and with the active support of civil society organizations, such as women's groups, as well as UN peace operations, UNIFEM and other UN agencies in the field. (NY para. 15)

Reform of Discriminatory Laws

- Implementation of justice in countries recovering from conflict first demands that human rights violations against women and girls are seen, and treated by the justice system, as crimes. Injustices experienced by women and girls must not be pushed into informal, traditional or customary law systems, which are often gender blind. Government policies and institutions should be established, and studies conducted, to address and redress gender disparities in a country. Laws that are discriminatory or humiliating toward women must be reformed; the language in these laws should establish equal rights for men and women alike.

- Housing, property ownership, inheritance and personal status issues, which often lie at the heart of post-conflict reconstruction, require additional attention in terms of the implications and impact on women and the discriminatory effect of relevant laws on them. The international community must significantly increase assistance and resources devoted to reforming such laws which often discriminate against women.

10. *In recent decades, there has emerged an international legal framework of protection for the rights of women in human rights treaties and the criminalization of many types of gender violence in international conventions and the statutes of international criminal tribunals. (NY para. 13)*

International experts need to be engaged in identifying the gaps between international law and the relevant national law and then working with national stakeholders to strategize revision. (NY para. 14)

Special attention should be paid, both by national bodies in post-conflict countries and by international partners providing support and assistance, to incorporate into national law those standards and objectives already set forth in Security Council resolution 1325 and recommended in the Independent Experts' Assessment. Technical assistance and financial help from bilateral and multilateral donor entities are needed to enhance work on gender justice and make it easier for post-conflict governments...to embark on needed reforms. (NY para. 15)

Harmonization with International Laws and Standards

- Gaps between the national laws of a conflict-affected country and international standards and norms must be identified. There should be increased focus on the need for such countries to ratify international conventions and to harmonize national law with international laws and standards, including those set forth in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), human rights treaties, and Security Council resolution 1325. To achieve reform of such national laws in conformity with these international instruments, they must be widely disseminated and explained in a manner which women and civil society in general can easily understand. In addition, experts are needed for specialized training for judges, prosecutors, and lawyers of the conflict-affected country in such laws.

Existing International Tribunals

- The jurisprudence of ad hoc international tribunals (e.g., International Criminal Tribunal for the Former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR)) and the International Criminal Court (ICC) can play an important role in national law reform. Specifically, the jurisprudence and case law of such tribunals and the definitions of gender-based crimes and standards of investigation established by them could be utilized in the context of national law reform efforts and transitional justice mechanisms.

II. Ending Impunity for Crimes Against Women and Creating an Environment of Accountability, Reconciliation and Tolerance: Establishment of More Gender-Sensitive Justice and Transitional Justice Mechanisms and Provision of Reparations and Rehabilitative Services to Victims

11. *Victim and witness protection, particularly relating to the prosecution of gender-based crimes, remains critical to the success of prosecutions of perpetrators, and yet very few resources and very little expertise are allocated for these key requirements. (NY para. 23).*

Sufficient participation by women victims in the various mechanisms involved in the compensation process also would help free the women who have been reduced to silence by their feelings of shame and give them confidence that their situations will be properly addressed. (NY para. 42)

Victim Compensation

- There is a critical need for programmes to be established in conflict-affected countries which offer protection to victims of rape and other forms of violence against women as well as the provision of immediate compensation/assistance to victims, irrespective of whether those cases have concluded in the courts or the perpetrators have been identified. The development of these programmes requires international expertise and funding support. The provisions of the ICC statute regarding victim compensation, as well as the lessons learned from the ICTR and the ICTY, could be useful in the creation of such programmes.

Witness Protection

- There is an urgent requirement to develop and provide sufficient resources for witness protection programmes in conflict-affected countries. Resources are also needed for the establishment of safe houses and temporary shelters for both victims and witnesses.

12. *One of the most important long-term objectives should be the creation of a culture of tolerance in post-conflict societies. Legal reform can promise to be a major impetus for changing attitudes and the conduct of men towards women, but sometimes it takes much more.... Although a legal framework is necessary, the creation of a culture of tolerance should be emphasized. This culture should be fostered at all levels of political and social life.... However, as noted by Namibia's Attorney General, 'the mere existence of such instruments will be worthless without the effective enforcement in a society that has, as its foundations, the respect for human dignity'. Legal reform can help minimize intolerant, discriminatory and violent behavior towards women, but sustained political leadership -- with women among the ranks -- committed to gender justice in society at large can also make a substantial difference. (NY para. 26)*

Recognizing that men are better empowered in many post-conflict societies to promote gender equality, there should be greater outreach and education efforts focusing on men and boys. The United Nations should be more active and visible in cultivating constructive male attitudes in societies where tradition and customary law and practice so heavily fortify stereotypical views about, and unequal roles for, women. This may call for a major initiative directed towards changing the attitudes of men and boys through intensive and widespread educational programs. (NY para. 27)

Culture of Tolerance

- To create an effective strategy or programme for gender justice in a conflict-affected country, it is important to focus not only on the high politics of the *state*, but also on the areas where the most profound injustices rest, such as in the deep politics of *society* and the resulting social and psychological barriers that prevent women from accessing justice.

- The international community must provide support for women in a conflict-affected country to challenge unequal and unfair practices that are often presented as part of custom and culture. General respect for the culture and traditions of a country is, of course, expected but not when it is invoked to tolerate or promote crimes against women and not when it makes the situation for women unbearable.

- Practices that are discriminatory and encourage violence against women, such as forced marriage of girls under 18 years of age, using women as peace offerings to settle disputes, and giving away women as payment for debts, must be stopped.

- The platform for achieving gender equality and gender justice in a conflict-affected country is not owned by the ruling party or by the government, but by people committed to transformation within society. Women must build alliances with those in power and those seeking power; the efforts of individual women and women's groups and institutions alone are not enough. The support of male leadership is key to effecting change and achieving the objectives of gender justice. Men and boys at all levels of society must be committed to and actively involved in the struggle for gender equality and gender justice.

- Long-term funding and expertise are needed to support the establishment of outreach programmes which aim to mobilize gender justice advocates, including men and boys, and provide civic education within communities so that the population gains an understanding that gender equality and gender justice benefit all of society and not only women.

13. *The transformation of national legal systems has lagged far behind the creation of international criminal tribunals, despite the overwhelming need for domestic justice with regard to tens of thousands of alleged perpetrators of genocide, crimes against humanity, or war crimes. In addition*

to the fundamental challenge of creating some kind of judicial and/or non-judicial accountability mechanism, there is the additional task of ensuring that gender justice is understood and incorporated into any such mechanism. Despite many deficiencies and obstacles at the national level, it remains important that prosecution of gender-based crimes occur at the national level to the greatest degree possible. (NY para. 29)

At the international level, the International Criminal Court (ICC) is establishing definitions of gender-based crimes and standards of investigation that offer great hope for gender justice. In addition, the Rome Statute of the ICC requires gender-balanced recruitment policies and seven women judges were elected to the 18-judge Court. The International Criminal Tribunals for the Former Yugoslavia and Rwanda raised the standards of accountability for crimes of sexual violence against women, clarifying definitions of sexual violence and recognizing it as a weapon of war (including rape as an act of genocide). The Rome Statute of the ICC raised the standard even higher with its precise definitions for gender crimes within the categories of crimes against humanity and war crimes. (NY para. 39)

Transitional Justice and Accountability Mechanisms

- There is a critical need for transitional justice mechanisms to address gender violence in a conflict-affected country, shaped by the experiences of women survivors, until there is a functioning legal system. Specific mechanisms and procedures must be developed for the timely implementation of national truth commissions that adequately address the particular experiences and hardships encountered by women, children and vulnerable groups of a conflict-affected country, with particular attention given to sexual and gender-based violations. The mandates and procedures for such commissions and processes for prosecutions should be gender-sensitive and formulated only after collaboration with national women stakeholders and a thorough analysis of the gender implications specific to that situation.

- International tribunals and the ICC can play a useful role in the development of national accountability mechanisms. For example, the definitions of gender-based crimes, standards of investigation, and gender-balanced recruitment policies of the ICC, as well as the standards of accountability for sexual violence against women and the recognition of sexual violence as a weapon of war by the ICTY and ICTR, can serve as model guidelines and standards for a conflict-affected country in establishing accountability for gender-based violations. Existing tools and best practices (including, *inter alia*, the International Commission for Transitional Justice (ICTJ) Handbook on Gender and Truth Commissions, the best practices recorded at the UNIFEM/ILAC Conference, and the procedures established for the Peru Truth Commission) can also be used as models in the creation of accountability mechanisms.

- There is a need for further research and analysis of the linkages between offenses categorized as ordinary crimes and war crimes in a conflict-affected country, specifically in the area of gender-based crimes.

- National mechanisms, such as a high-level review panel, need to be established to ensure that governing authorities of a country are answerable for any misadministration of justice and to help provide gender justice accountability. One particular suggestion put forth was to include gender justice criteria within a government's reporting requirement for CEDAW.

- UN country teams should reach out to national stakeholders, both governmental and non-governmental, including women's networks, to assist in developing appropriate, country-specific policy frameworks for transitional justice mechanisms.

- In response to the need for transitional justice systems, the Swiss Government announced that it is designing a gender-sensitive mediation training course for constitutional lawyers, tailor-made for transition processes, which will aim to have women comprise at least 40% of those enrolled.

14. *To facilitate the transformation of national legal systems, substantial and long-term assistance from the international community remains critical for governments and women in post-conflict societies. This includes long-term judicial training for local judges, prosecutors, and public defenders... Much more legal capacity needs to be developed in post-conflict societies, including among women, in order to investigate and prosecute sexual-related crimes committed prior to the armed conflict or during the post-conflict stage. (NY para. 30)*

Legal Capacity

- There is an urgent need for ongoing financial support and expertise to enable training and continuing legal education to be provided to judges, prosecutors and defense counsel of a conflict-affected country to sensitize them and enhance their knowledge in the areas of violence against women and children.

- There is also an urgent need for resources to enhance programmes for increasing legal capacity and legal literacy in conflict-affected societies, particularly for women. In this regard, it was suggested that UNIFEM and ILAC programmes could be very helpful in terms of legal training and the review/revision of legal texts, and, more generally, legal literacy programmes.

III. Rehabilitation and Reform of the Judicial Infrastructure, Institutions (including Staffing and Service Conditions), and Processes to Enhance the Involvement of Women and their Access to Justice

15. *Building an effective infrastructure for a post-conflict national judicial system -- from adequately furnishing courtrooms and constructing prisons to strengthening the capacities of judges and eliminating corrupt practices -- is essential to advance the objectives of gender justice. In post-conflict situations, women typically have limited opportunities and encounter substantial obstacles to access the judicial system and, therefore, there is a need for a working and open judicial system if they are ever to enjoy equal access. Sooner than later, women need to be part of the design and decision-making process of such a system. But plans to finance the rehabilitation and reform of such national judicial infrastructures -- irrespective of the dire need of the resource-strapped, war-ravaged countries concerned -- remain very difficult to sell to the legislative appropriators of potential major donor states.... For example, the provision of defense counsel, and helping finance their work, is generally unattractive as a funding opportunity for donor governments and institutions. But it is essential for building a viable judicial system and merits far more financial support. (NY para. 40)*

Much-needed resources for judicial accountability, from office equipment and courtroom facilities to translation services and training of local judicial officers, remain grossly lacking in practically all post-conflict societies. (NY para. 41)

A small but important step in reforming the judicial infrastructure of post-conflict/transitional societies is to establish percentage quotas for women to be hired for emerging judicial bodies. (NY para. 44)

Institutional Support

- There is a need for the provision of early and sustained technical, material and financial support to ALL ministries of a conflict-affected country after the signing of a peace agreement, but such support is also needed for the judiciary and gender mechanisms across ministries.

- Financial support and operating resources need to be provided directly to women's ministries and women's groups. It was emphasized that even a small amount of money can make a big difference and that innovative women can make something happen out of practically nothing (as demonstrated in Liberia). In the case of Liberia, the Ministry of Gender and Development had no operating funds at the outset but, with a generator and a small amount of funding from UNIFEM, the Ministry was able to furnish a functioning conference room which they could rent out. The proceeds from the rental are enough to pay small salaries to the employees.

Special Courts for Sexual Offense Cases

- There is a pressing need for resources and support for special courts to be established to deal specifically with sexual offense cases. The Special Crimes Unit Courts of South Africa, which serve as specialized sexual offense courts and have a case closure rate nearly twice that of the ordinary magistrates courts, and the Fast Track Courts in Liberia for prosecuting rape crimes, exemplify the benefits of such courts.

IV. Increased Employment of, and Specialized Training for, Women Judges, Prosecutors, and Lawyers (including as Defense Counsel) as well as the Provision of Legal Education and Assistance for Female Citizenry

16. *Given the often-deficient level of educational opportunities afforded to women and girls in societies at the pre-conflict stages, education is the key to any progress for women and girls in a post-conflict society. Without timely, proper and equal educational opportunities, the chances are much greater for continued discrimination and abuse of women that undermines the rule of law as well as perpetuates the under-utilization of skills and capacities of half of the population. (NY para. 47)*

That said, one of the most distressing realities about prospects for gender justice in post-conflict societies is the rudimentary process so far undertaken, particularly by national bodies, to educate girls and women about the legal culture and their fundamental rights.... But years of greatly expanded basic education and judicial training will need to transpire before the international community can begin to de-prioritize this issue. In the meantime, more funding will be required from donor governments to support the basic educational needs of girls and young women, university curricula development, training missions for aspiring women lawyers, and technical assistance to help train the trainers for the long term. (NY para. 48)

Education of Women/Girls and Legal Training

- Greater emphasis must be placed on education for women and girls in a conflict-affected country, at all levels, including specialized training to inform them of their rights under national laws, conventions, and treaties as well as international standards and norms so that they can hold their government accountable.

- Increased involvement of women in a conflict-affected country in the design and delivery of legal education programmes and activities, as well as in legislative reform initiatives, can facilitate implementation of laws, conventions and treaties that promote gender justice.

- Specialized training is required for women judges, magistrates, prosecutors and defense counsel in areas relating to violence against women and children as well as relevant national and international laws and standards.

[See also comments in Sections V and VI]

V. Establish/Strengthen Government Institutions, Mechanisms, Policies and Strategies, as well as NGOs/Civil Society Organizations, to Specifically Focus on Redressing Gender-Based Disparities, Supporting Women's Needs and Advancement, and Increasing their Participation in Transitional Institutions and Processes (Political, Legislative, Electoral, Economic Reconstruction)

17. *Gender justice cannot be successfully pursued on a daily basis in a society emerging from conflict unless governmental institutions, mechanisms, policies, and strategies are devised and then implemented with strong political commitment by the national government and, when necessary, with adequate financial and technical support from international donors. That process will not unfold, however, unless women are enfranchised and assume positions of authority in government, the courts, the professions, and society at large. That can become a generational challenge. But for the early months and years of the post-conflict period, concerted efforts have to be made, with international pressure and support, to ensure that women are not marginalized in the critical institutions and decision-making processes that help frame how a post-conflict society addresses and protects the rights of all of its citizens. It remains critical to adequately support the work of non-governmental and other civil society organizations which are the backbone of effective on-the-ground implementation of gender justice objectives. The presence of a UN peace operation also can be used to encourage such support and apply leverage, when necessary, on governments. (NY para. 53)*

Participation of Women in Institutions and Processes

- It is critical for substantial financial and material support to be provided for dedicated gender mechanisms and local NGOs in order to increase women's participation in political, legislative, judicial, electoral and economic reconstruction processes and reform commissions. Ongoing international support for local women's organizations and initiatives, geared toward promoting local/national ownership and priorities, is also needed so that such organizations can act quickly when opportunities arise. It was noted that, when the Tsunami hit Sri Lanka, women's groups had flyers out within days warning of the potential for violence against women in the refugee camps. As a result, violence against women in the camps was greatly reduced.

- Technical, material and financial assistance is needed to support women candidates of a conflict-affected country for elected positions as well as to support political participation of women, at all levels and throughout all institutions of government, including in exercising their right to vote in elections. The international community should establish, in advance of post-conflict elections in a country, a trust fund to support the political participation of women. As a first step, the Global Coalition-Women Defending Peace announced that they are creating a fund to provide resources to women candidates in conflict-affected countries.

- Women in post-conflict countries must actively participate in the processes and mechanisms for developing or amending the constitution and electoral laws for the country, as well as push for the integration of gender-equality provisions therein. Security Council resolution 1325 and the relevant conventions pertaining to women in post-conflict situations could be utilized in framing such processes and mechanisms.

Gender Platform/Strategy

- The issue of the position of women in society is essentially a political question. If gender advocates are to have an impact, they must influence constituencies with a voice, those in power and those seeking power. Gender advocates need to strategize and work throughout each phase of the "transition

continuum" and not wait until the post-conflict phase; what happens before the post-conflict phase is also very important.

- National stakeholders must have a cohesive gender strategy with clear targets, and come to the table with a common gender platform. If national women stakeholders want to impact and influence negotiations, they must begin to mobilize women prior to negotiations. It is important to have a united platform on gender issues, owned by all women, across political, ethnic and religious lines, coming from all walks of life. It is therefore crucial that women's groups receive early and ongoing support to mobilize and formulate a comprehensive gender agenda and to continue advocacy among constituencies and the general population.

- Technical and financial assistance is needed to support efforts of grassroots women's groups to organize and develop an active women's movement to accelerate the advancement of women in conflict-affected countries.

- South Africa is a good example of how a coalition of women from parties across all lines mainstreamed gender into political movements and had a positive impact on every stage of the transition process. But, as powerfully recalled by South Africa's Minister of Justice and Constitutional Development, Ms. Brigitte Sylvia Mabandla, it must be noted that, from the very earliest stage of the transition process, extensive discussions and meetings took place among the women's groups of South Africa and women formed a united front to influence leadership across party lines. The experience of South Africa could be instructional in developing south/south support for women's groups and constituencies in other conflict-affected countries which are trying to mobilize women to impact on political processes, for example in Sudan.

South/South Cooperation

- There are important lessons to be learned from women in countries that have gone through or are currently going through transition, and there is a need for resources to facilitate such dialogue and exchange of information among women through south/south cooperation. Support should be increased for meetings among women and other key stakeholders from different conflict-affected countries and regions to discuss strategies and exchange best practices as well as obstacles and failures encountered in areas that impact on achieving gender justice in transitional and peace processes.

- International support is needed for a programme to bring key Liberian and South African women to Sudan to engage in a dialogue with Sudanese women and to strategize on how to include gender justice issues and perspectives in the peace process.

- The African Union has the political will (in 2002, the African Union adopted a policy of 50% representation of women at all levels) and desire to improve the situation for women in Africa, but requires international support and expertise to strengthen their efforts. The Global Coalition-Women Defending Peace offered the Alexandria Library as a potential venue for a regional meeting between the African Union and the Arab League to further discuss rule of law and gender justice initiatives and programmes.

VI. Improving the Socio-Economic Position of Women to Enhance Utilization of their Skills and Participation in Public and Economic Life (including in Transitional Institutions and Processes): Need to Address Factors Preventing Equal Access to Basic Public Services (e.g., Education, Health Care) and Economic Opportunities

18. *Because the status of women and girls prior to the war usually is so poor, and given the unique opportunities that arise in a transitional post-conflict situation to rectify this situation, the objective should be to achieve a much higher standard of living and influence for women and girls after the war. This means women should enjoy full participation in the economy and in the government, particularly in legal and judicial institutions, and also secure high-level decision-making positions, which would thus enable them to influence decisions that directly affect the welfare of women and children. Women must achieve higher percentages of representation in newly-formed legislative bodies as well as reform commissions and bodies (for example, legislative, judicial, constitutional, electoral) of post-conflict countries. (NY para. 59)*

Improvement of the Position and Status of Women

- The international community must explore ways to improve the quality of governance in post-conflict countries through the enhanced political participation of women at all levels and in all institutions of government, including through the provision of technical, material and financial assistance to women candidates vying for elected positions.

- More women need to be appointed to decision-making positions in government; specific language requiring percentage quotas for women's participation in executive, legislative, judicial and electoral bodies and reform commissions must be included in peace agreements.

- Needs assessments undertaken by the international community as well as donor programmes should give greater emphasis to the special needs and concerns of women and girls in a conflict-affected country, including through poverty reduction, health, education and empowerment strategies. Women and girls must have equal access to, *inter alia*, education and primary health care; access to reproductive health and child health care; equal opportunities in the economic sphere (with special emphasis on equal pay for work of equal value); and equal rights of property ownership and inheritance.

- Technical, material and financial assistance is needed to support women's active involvement in the economic sector; including in the ownership and operation of small businesses and non-profit enterprises.

VII. Increased Participation of Women in Peace-making Processes and the Negotiation of Peace Agreements as well as in Implementation Mechanisms and Processes

19. *Women must play a key role in the search for negotiated peace. Fundamentally-flawed negotiated peace agreements too often elevate male perpetrators of war crimes to high positions of power, immunize them from justice, and marginalize the role of women in the negotiations that vest so much power in such men....Women are overlooked in processes to form a new government and its institutions, and thus are deprived of key positions, including in the legislative and judicial realms. (NY para. 63)*

Role of Women in Peace-Making and Peace Agreements

- Gender equality is not just a human right but also an essential component of democratic development. True development can only be achieved if women are able to participate as equal partners, decision-makers and beneficiaries of the sustainable development of their societies. Security Council resolution 1325 established a comprehensive agenda on women, peace and security; it addresses, *inter alia*, the need for full and equal participation of women in peace processes and peacebuilding activities and underlines the importance of gender-sensitive training for personnel involved in peacekeeping operations. The international community must push for the implementation of the objectives and calls of resolution 1325 and relevant international conventions pertaining to women during negotiations for peace and the development of peace agreements in conflict-affected countries as well as during subsequent electoral law reform processes.

- To have accountability, peace agreements must uphold and promote gender equality and inclusion and refer affirmatively to resolution 1325. A gender-neutral peace agreement often means there is no gender framework, no targets set, and no time frame; the inclusion of women in the implementation of the agreement and its processes is voluntary and left to the discretion of the particular government (if any) and the political parties. Benchmarks in the peace agreement are needed as, without them, it is difficult to monitor or actually assess whether a country has made any progress in terms of gender equality and gender justice.

- Women stakeholders of a conflict-affected country must share a common goal for gender justice and participate in structures and processes throughout the transition to ensure that the needs and capacities of women are taken into account in constitutional and legislative reform, including reform of criminal laws (e.g., relating to domestic violence), laws governing economic and property rights, and family law. Women should not waste the window of opportunity afforded by these reform processes. The international community can provide invaluable support to national institutions as well as NGOs to promote women's equality and gender justice before and during the transition and peace processes.

VIII. Increased Participation of Women and Incorporation of Gender Dimensions (including Gender-Based Budgeting) in All Stages of the Conceptualization, Planning and Implementation of UN Peace Operations (including Rule of Law-Related Components), as well as in the Reporting, Evaluation and Monitoring of the Operations

20. *The strategic and operational planning for post-conflict UN peace operations and donor initiatives is so important that women -- both national and international -- must play a much greater role in these early efforts to restore basic institutions and services to meet the core needs of society and launch constructive initiatives. More women, including legal and gender justice specialists, as well as UN agencies such as UNIFEM, should be included in assessment missions, in part to strengthen early consultations with national stakeholders, particularly women, in the conflict-affected country.... In addition, those peace operations and agencies and programmes should have adequate numbers of gender justice specialists on their respective staff. (NY para. 70)*

Assessments for UN Peace Operations/Programmes and Donor Initiatives

- The UNIFEM/ILAC recommendation that more women, including legal and gender justice specialists, as well as UN agencies such as UNIFEM, be included in assessment missions for UN peace operations and programmes was fully endorsed.

- Needs assessments should be nationally-led and driven; national stakeholders, including the government, civil society and a broad spectrum of women's organizations should be equal participants in making the assessment and devising a strategy for assistance programmes and for the implementation of any peace agreement. The international community must recognize that there is much to learn from national actors and, ultimately, without national ownership, any such assistance or development programmes will fail.

- It is extremely important that gender justice issues be addressed at the earliest stages of the planning and assessment process for a peace operation and that sufficient resources are allocated to meet such requirements. It was stressed that, if gender justice issues are not integrated in the Secretary-General's proposed concept of operations for a new peace operation, they will likely not be covered in the Security Council resolution that authorizes the operation or in the budgetary plan approved by the General Assembly -- thus resulting in a peace operation that does not adequately address the needs of women.

- The expertise available within the UN system family to address gender justice issues must be better utilized during the assessment team process and should include participation by UNIFEM, the UN Office of Drugs and Crime (UNODC), the UN Children's Fund (UNICEF); and the UN Population Fund (UNFPA). Particular emphasis was given to the importance of drawing on UNIFEM expertise in the assessment process and in the programmes of peace operations, including to capitalize on its knowledge of national women's networks and requirements. The Swiss Government pledged its support for UNIFEM's inclusion in assessment processes and called on other countries to do the same.

- In undertaking assessments and developing gender-justice related programmes, the UN should actively partner with and involve outside rule of law/gender justice experts as called for in the 2004 Secretary-General's Report on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (S/2004/616), the 2002 Report of the UN Secretary-General's Executive Committee on Peace and Security (ECPS) Task Force for Development of Comprehensive Rule of Law Strategies for Peace Operations, and the 2000 Report of the Panel on UN Peace Operations (the "Brahimi Report", A/55/305-S/2000/809). Coordinated assessments should include, for example, the World Bank, the African Development Bank, and ILAC, among others, who can bring their respective expertise to the process.

- The UN needs more effective channels for recruitment of outside rule of law/gender justice experts for both the assessment process and positions in peace operations. Specific terms of reference for such gender justice profiles/positions need to be formulated and broadly disseminated to identify such experts. The current recruitment procedure is a very time-consuming, cumbersome and competitive process, in which the needs and preferences of the national actors, particularly women and children, are seldom taken into account. It was suggested that ILAC could play a critical role in identifying potential experts for legal/judicial assessments of conflict-affected countries, including gender justice experts, from its worldwide membership of over three million judges, prosecutors and lawyers.

21. *The UN still lags far behind in appointing women to SRSG and DSRSG positions in peace operations or, for that matter, heads of substantive components. It is not enough to have a gender advisor on the staff of a peace operation, particularly if that individual has a middle-level status (such as a P-4 level) rather than a Director-level posting comparable to other ranking staff. The appointment of women in the top management of a UN peace operation, the inclusion of a high-ranking Gender Advisor supported by a well-resourced Gender Unit, and the integration of gender*

justice specialists in critical components would convey the image of the UN as a gender-friendly organization and instill gender-sensitive thinking at the very top of and throughout the mission. (NY para. 72)

For the objectives and calls of Security Council resolution 1325 to be effectively met, the gender-related objectives and programmes of a peace operation will hav to be supported with sufficient financial and human resources and more women must be integrated into the command structure of the mission. Focus cannot simply be on the civilian staff and structure, because the Military Observers component, like the military contingent and civilian police components, is also woefully short of female members. Given the critical functions performed by the various components, including as role models to the local population, women should be included across all areas of the mission. (NY para. 74)

Putting Women in the Gender Justice Equation

- Women must play an integral role, at both the national and international levels, if gender justice is to be achieved in conflict-affected countries; women must be present in the police and prison services, among the judges, prosecutors and lawyers at all levels, and in the formal and informal justice systems.

- More women must be appointed as high-level representatives of the Secretary-General and actively participate in and influence the planning methodology and processes that guide the establishment of peace operations.

- The need identified in the UNIFEM/ILAC Conference for high-level gender specialists to be included in top management positions and among the staff of critical components of UN peace operations, agencies and programmes was fully endorsed. It was pointed out that a Gender Advisor (if there is one) in the UN peace operation and in the UN country team, is often a lower-level position, which limits its effectiveness.

- It was noted that there is often no clear concept or mechanisms spelled out to ensure in-country collaboration between UN agencies, funds and programmes and a deployed peace operation on programmes of assistance to support women, including to achieve gender justice. This often leads to turf battles in theatre, overlapping assistance programmes, and wasted resources -- all to the detriment of the women nationals who so desperately need support. One speaker proposed a pilot experiment, where an entity like UNIFEM, which has regional and country programmes to support women in many conflict-affected areas around the world, would be asked to take the lead in this area in a particular peace operation.

- Member States must push for the appointment of women in senior UN positions. There are many qualified women suitable for senior appointments, and Member States and others must continually submit to the UN the names of qualified female candidates.

22. ***Each UN peace operation should be planned and assessed against a gender justice checklist drawn from Security Council resolution 1325. That would ensure increased high-level attention to gender issues both at the stage of the authorizing resolution and during subsequent related resolutions by the Security Council. There also should be far more substantive references to gender justice issues in reports of the Secretary-General to the Security Council on specific peace operations -- and in relevant thematic reports -- as well as in Security Council resolutions. Women's voices should be heard more frequently in meetings with Security Council members, including during Council missions to various conflict-affected regions. (NY para. 73)***

Gender Checklists

- UN Security Council resolution 1325 provides a framework for a holistic UN approach to promote gender justice in post-conflict societies but it is underutilized. The effective use of "gender justice checklists" drawn from resolution 1325 for the planning and assessment of UN peace operations could ensure increased high-level attention to gender issues both at the stage of the authorizing resolution and during subsequent related resolutions by the Security Council. It was noted, however, that each country presents unique circumstances and, to be effective, such a checklist must take into account the specific gender issues that impact on the situation of women in that country. The formulation and application of any checklist must entail consultation with national stakeholders, including the government, civil society and women's organizations.

IX. Measures to Enhance Responsibility and Accountability of UN Peacekeeping and Humanitarian Personnel for Proper Behavior vis-à-vis the Female Population in Deployed Areas: Establishment of Comprehensive Policies and Procedures to Prevent and Punish Sexual Exploitation and Abuse

23. *UN peacekeeping and humanitarian personnel have a special obligation not to violate the trust that women and girls -- many of whom are weakened and dependent on assistance in a post-conflict situation -- place in them. Not only is there no justification for any such UN personnel to engage in any sexual violence, abuse, or exploitation with respect to the local population, but there also should be zero tolerance of it given the position of trust UN personnel assume in that post-conflict society. Peacekeepers, particularly those in uniform as well as civilian police, become visible role models, admired and respected by the population, including by those carrying arms. Unfortunately, serious sexual misconduct, usually criminal in character, has been identified with such UN personnel (as well as other internationals) in post-conflict situations and severely undercut that respect. Simply put, gender justice must extend to such international guardians, namely, the UN peacekeeping and humanitarian personnel deployed to assist these post-conflict societies. (NY para. 76)*

It will be particularly important in the future for investigations of such incidents involving UN personnel to be aggressively pursued with well-qualified investigators trained to deal with sexual-related crimes and for prompt punitive action to be taken where fault is established. (NY para.78)

Thoughtful and progressive rules on sexual misconduct and crimes were developed by UNAMSIL for troops stationed in Sierra Leone. They have enhanced how peacekeeping missions should apply policy and procedure to prevent the exploitation of women. These policies and procedures should be expanded and included in the training modules and operating rules for all peacekeeping missions. In addition, those UN personnel in charge of refugee and displacement camps should be properly screened so as to ensure that any person who been involved in such violations is not employed in key positions of power over those who are vulnerable. (NY para. 80)

Gender-Sensitive Training

- Resolution 1325 establishes a comprehensive agenda on women, peace and security and underlines the importance of the provision of gender-sensitive training guidelines and materials for all personnel involved in UN peace operations. There is a critical need to strengthen efforts to ensure that proper gender-sensitive training is provided for all staff of UN peace operations, and at all levels, and that accountability mechanisms are established for violations of policies and codes of conduct.

- The terms of reference for each Special Representative of the Secretary-General (SRSG) of a peace operation should explicitly refer to accountability for sexual violations, abuse or exploitation against women and girls.

Codes of Conduct

- Codes of Conduct must be developed for all personnel of UN peace operations, with specific emphasis on gender standards and issues. Training (pre- and post-deployment) should accompany widespread dissemination of the Code, which must include accountability for violations.

- It is imperative that the UN hear and pay adequate attention to the views and perspectives of women, especially concerning issues of trafficking and sexual misconduct. Had the lessons reported in the 2002 *Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building* been heeded, many women may not have had to experience violations during later UN peace operations.

24. *While UNIFEM, together with UNDP and ILAC, will proceed with active follow-up to [the appeals made by the national women stakeholders at the Conference], a necessary further step should be the establishment of a high-level mechanism to determine what issues and recommendations raised at the Conference require follow-up action by the UN system as a whole as well as by Member States, regional organizations, non-governmental organizations and other relevant actors. Given the scope of the issues concerned, there could be a joint undertaking by the Security Council, the General Assembly, and the Economic and Social Council to support, or even spearhead, the establishment of such a high-level mechanism. (NY para. 93)*

Independent Review Panel for Accountability for Gender Justice

- It was stated that there is a lack of adequately robust accountability mechanisms throughout the compartmentalized high-level UN mechanisms and processes as well as the UN's legislative and inter-governmental bodies to ensure an integrated "one UN system" approach for promoting gender justice in post-conflict situations. To rectify this splintered approach and establish clearer and greater accountability on this issue at all levels, it was proposed by one speaker that the UN establish an "Independent Review Panel for Accountability for Gender Justice" to (i) examine the current UN structures, mechanisms and processes that deal with issues relating to gender justice to assess whether enhanced interface and collaboration is needed, and (ii) recommend measures that could be taken respectively by the Secretary-General and by the inter-governmental bodies for implementing a more integrated "one system" approach with adequate accountability safeguards. It was further proposed that, in undertaking such a review, the Panel should consider, *inter alia*, such factors as:
  (a) the current terms of reference, composition, and reporting, monitoring and evaluation procedures for each body/mechanism and what amendments need to be introduced, including whether there should be consolidation in respect of certain bodies/mechanisms;
  (b) whether institutional reforms are needed in terms of the current UN machinery engaged in programmes for the advancement of women and gender equality (the UN's "gender architecture"); and
  (c) how the UN system could best facilitate implementation of the recommendations emerging from the UNIFEM/ILAC Conference and the Stockholm Meeting, and what type of follow-up/tracking mechanisms would be needed for that purpose.

X. Prioritization of Gender Justice within the UN System (including UN Peace Operations) and New Institutional Structures Needed to Accelerate Progress on the Gender Justice Front

25. *While individual UN entities may focus on gender justice objectives, and some UN entities may have staff positions relating to gender justice, there remains a major deficiency in terms of adequate organizational structures and staffing dedicated to gender justice as well as a huge gap in adequate coordination and prioritization among UN entities to focus on and advance gender justice objectives in the field. It is not enough for UN entities to have a few specialized mid-level or low-level staff specialists on gender justice. Too often the subject is pigeon-holed and rendered irrelevant to top-level decision-making or the staff specialist lacks sufficient rank to accomplish objectives. In addition to strengthening gender justice machinery at UN headquarters, more qualified women need to assume senior positions as Special Representatives of the Secretary-General and throughout peace operations in post-conflict countries, including as heads of components dealing with support to the legal and justice sectors of those countries. (NY para. 82)*

Prioritizing Gender Justice in the UN System's Activities

- There can be no gender justice in a post-conflict country if there is no justice to begin with. The UN and the broader international community must devote more effort, attention and resources to establishing and promoting the rule of law in post-conflict states.

- Gender justice cannot be bargained away as a soft chip for realizing other political and operational gains. Gender justice must be a driving force and seamlessly integrated throughout the UN system's activities in all stages of transition from conflict to sustainable peace and development -- from humanitarian emergency assistance, to peacemaking and peacekeeping, to peacebuilding and reconstruction -- and it must entail adequate consultation with a range of national stakeholders, especially women.

- There is a need for increased participation of women at all levels of the process, particularly in high-level positions that influence the planning methodology that guides establishment of the peace operations and reconstruction efforts. Greater emphasis must be placed on the need for the UN to appoint more women as Special Representatives of the Secretary-General (SRSG).

- UN country teams in conflict-affected countries need to enhance their efforts to reach out to and consult with national stakeholders, both governmental and non-governmental, including those in national institutions, professional groups and women's networks.

26. *In transitional post-conflict situations, the UN should have a dedicated structure or mechanism to focus on coordinated assistance to be provided for justice systems and related institutions of such countries, including those needed to address gender justice requirements. There should be a separate and adequately-resourced office in the UN system that deals with such rule of law and gender justice issues under a methodology that is subscribed to by all relevant UN players and that takes account of both (1) the needs and views of the national stakeholders concerned, and (2) the expertise and resources available outside the UN system. In this connection, particular attention needs to be paid to the issue of financing needed for UN programmes to adequately address gender justice requirements in post-conflict situations. Such programmes are almost always under-funded... (NY para. 83)*

Peacebuilding Commission

- The Peacebuilding Commission being considered by the General Assembly offers a great opportunity to, at last, develop long-term and comprehensive strategies for building peace in conflict-affected countries, and bring together all the key international and regional players to support and address the needs of national stakeholders. As currently envisaged, the Peacebuilding Commission appears "gender neutral". If it is to contribute to a truly comprehensive and integrated approach to peacebuilding, the Peacebuilding Commission should take account of gender perspectives and issues, as well as the particular needs and capacities of women, in every aspect of peacebuilding and reconstruction in a country.

- The Peacebuilding Commission could give the issue of justice for women unprecedented visibility and support. It is vital that Member States advocate for gender considerations to be included in the agenda of the Commission.

- UNIFEM's work should directly contribute to the goals and activities of the Peacebuilding Commission and its support office.

Rule of Law Assistance Unit

- The UN must significantly improve its procedures and mechanisms for supporting the rule of law and transitional justice in post-conflict situations.

- It was noted that the establishment of a Rule of Law Assistance Unit was recommended in the 2005 Secretary-General's report *In Larger Freedom: Towards Development, Security and Human Rights for All* (A/59/2005) to assist national efforts to re-establish the rule of law in conflict and post-conflict societies. It is crucial that gender perspectives be fully integrated from the outset into the work and procedures of any such Unit, and that benchmarks are included to monitor progress.

- The Rule of Law Assistance Unit should draw on the expertise of UNIFEM, and other relevant UN entities, in its work.

27. *Too often, initiatives launched in post-conflict countries fail due to lack of coordinated and continued international support that takes account of the views and priorities of national stakeholders, including women. It is essential that international funding and technical assistance be sustained for gender justice objectives throughout and beyond the immediate post-conflict period, which must include adequate consultation with a comprehensive range of national stakeholders, including women in the judicial/legal sectors as well as victims. This includes donor support and focused attention by the UN system to overcome the wide range of physical injuries, psychological and emotional trauma, and property damage suffered by women during armed conflicts. (NY para. 84)*

Long-term and Stable Funding for Gender Justice Priorities

- Justice for women in a conflict-affected county does not come cheap. Gender justice priorities cannot be funded on a "scale of convenience" or from what is leftover in the budget after other requirements are met. Support and funding must focus on addressing the most pressing needs of women in that country, based on their perspectives -- including those of women who are widowed, victims of war, victims of sexual violence, and ex-combatants -- and not as seen from an international perspective.

- The UN system is well-positioned to contribute to improving the situation of women in conflict-affected countries but the cumulative knowledge and expertise within all UN agencies, funds and programmes will only be efficiently utilized if sufficient funds are raised.

- International attention and resources devoted to rule of law, transitional justice, and gender justice issues must be significantly increased; at present, there is simply not enough budgeted or donor funding for programmes in these areas. There is also an ongoing need for more coherence, coordination and transparency in the actions, roles and programmes of UN entities, donors, IFIs and NGOs working in these areas.

- There are several mechanisms within the World Bank that can be used for financing assistance for gender and gender justice, including (a) post-conflict grant facilities, where member countries or other institutions can request money for countries coming out of conflict; (b) multi-donor trust funds administered by the Bank; and (c) the Institutional Development Fund, which is a grant fund to build the capacity of countries in areas which include legal literacy, legal education, legal training (particularly for women) and strengthening women's rights.

- Donor support for collaboration among women from various conflict-affected countries through south/south and regional cooperation is needed. The success of such cooperation between Brazil and Haiti was noted, and there was an appeal to support the request for regional collaboration among the women of Liberia, South Africa and Sudan.

- Funding for UNIFEM is voluntary, and increased support is urgently required for the initiatives set out in UNIFEM's "Donor Proposal for Follow-Up to the Conference on Gender Justice in Post-Conflict Situations" as well as for UNIFEM's Gender Justice Programme Proposals for Afghanistan, Liberia and Sudan (which were distributed to participants).[5] The women ministers/representatives from Afghanistan, Liberia and Sudan each presented a strong appeal to donors for resources to support implementation of the UNIFEM gender justice programme proposals for their respective countries.

28. *UN bodies, regional organizations, and other international entities must collaborate more closely and frequently on gender justice objectives with local non-governmental organizations, relevant professional groups and academic institutions engaged in training women judges and lawyers, with networks of women spanning society, and with men to help change attitudes, curb domestic violence, and ensure the full participation of women in the post-conflict period and beyond. The Partners for Gender Justice Initiative has now been launched, being spearheaded by a group of interested Member States and some non-*

[5] These three gender justice programme proposals employ strategies in line with UNIFEM's Multi-Year Funding Framework (MYFF) for 2004-2007, utilizing the following four core strategies to address gender justice concerns:
(1) Capacity building of law enforcement agencies, judicial institutions, women's organizations and other civil society groups is central. The internalization of and awareness raising on the importance of gender justice issues is a primary action that will build greater commitment to law reform, quality analysis and application.
(2) A strong focus on advocacy is essential for building a gender justice movement in a country. Such advocacy will be especially centered on integrating gender equality and women's rights issues in constitutional and legislative reform, including property and land rights law reform, and ending impunity related to violence against women.
(3) Evidence-based policy influencing is essential to ground the advocacy and provide case studies for capacity-building actions.
(4) A communication and media strategy integral to the programme is a critical means for dissemination of information, amplifying community voices, and sustaining the advocacy action.

governmental organizations with ongoing UNIFEM and ILAC support, to further the gender justice agenda and forge "gender justice partnerships" in the context of post-conflict peacebuilding. Under the umbrella of this Initiative, the idea was raised to form a smaller expert group on gender justice that would develop proposals on how best to engage in post-conflict situations on gender justice issues. Senior UN officials should ensure that this Initiative is supported by their respective agencies, funds and programmes and that the participation of local and international non-governmental organizations is encouraged. (NY para. 85)

Partners for Gender Justice Initiative

- It was agreed that the Partners for Gender Justice Initiative, launched at the UNIFEM/ILAC Conference, will be initially co-chaired by two Member States, Sweden and South Africa, with support from UNIFEM and ILAC.

- It was noted that the Partnership for Gender Justice Initiative could provide global advocacy for gender justice as well as facilitate the provision of international/bilateral support to national stakeholders of conflict-affected countries.

- It was proposed by one participant that the Partners for Gender Justice Initiative take Sudan as a pilot case study to explore how the Initiative can be most effective, and should specifically entail bringing together key women from different conflict-affected countries in the region to discuss the way ahead for promoting gender justice in Sudan.

Best Practices in the Gender Justice Area

- Taking note of the "best practices" that had emerged in various conflict-affected countries in the gender justice area as outlined in the UNIFEM/ILAC Conference report, there was widespread support for a mechanism to enable shared learning and the exchange of best practices in the gender justice area.

- As a follow-up to the UNIFEM/ILAC Conference, ILAC agreed to draw on the expertise of its worldwide membership of judges, prosecutors, lawyers and bar associations to provide, in cooperation with Haiti's Ministry of Women's Affairs, a compilation of "best practices" around the world relating to legislation and legal mechanisms to combat sexual discrimination and sexual violence. The compilation of best practices will be presented to the Ministry to determine whether any of these options/measures may be suitable for Haiti. It was proposed that the provision of such "best practices" for use in Haiti could serve as a pilot project for the exchange of best practices on various other gender justice issues for use in conflict-affected countries; ILAC will continue to further develop this type of assistance in close cooperation with UNIFEM and other UN entities.

29. *In addition, at least two other proposals have been advanced for the UN to make better progress in advancing gender justice in its work. These include the establishment of: (1) a task force at the highest levels of the UN to seriously address mainstreaming gender into justice-related programmes; and (2) gender justice working groups at UN headquarters and in the field to support a more coordinated UN role in assisting post-conflict countries in the development of gender-sensitive judiciaries, criminal justice systems, legislation and constitutions, and to promote economic and social rights. (NY para. 86)*

"One System Approach" for Promoting Gender Justice

- The UN system must adopt a more holistic and inclusive "one system approach" for promoting gender justice, which will require increased linkages between -- and perhaps entail integration

of -- the very separate and compartmentalized mechanisms and processes currently used to review issues falling within the respective humanitarian, development, and peace and security spheres or, more broadly, within the conflict or post-conflict spheres.

- The UN must ensure that priority gender justice needs of national stakeholders are treated as an integral factor in all stages of the planning and implementation of peace operations, which requires clarification of the respective roles of the UN agencies, funds, and programmes (as well as the international financial institutions) vis-à-vis such an operation. It is essential that UNIFEM be involved in this process.

- There is a need in the UN for both gender mainstreaming in programmes and specific dedicated initiatives in order to best address and support gender justice requirements of post-conflict countries.

- It is vital to mobilize gender justice advocates across the UN system, Member States, regional organizations and civil society; it is not enough to have only women and women's organizations involved in this struggle which also needs male leaders. Men at all levels, specifically high-level men in positions of power, must join the struggle for gender justice. In this regard, the Stockholm Meeting discussions benefited from the participation of a number of high-level men representatives, including the Special Adviser to the United Nations Secretary-General, Mr. Lakhdar Brahimi.

30. *UN bodies, regional organizations, and other international entities must collaborate more closely and frequently on gender justice objectives with local non-governmental organizations, relevant professional groups and academic institutions engaged in training women judges and lawyers, with networks of women spanning society, and with men to help change attitudes, curb domestic violence, and ensure the full participation of women in the post-conflict period and beyond. (NY para. 85)*

The promotion of gender justice in post-conflict situations requires a multi-sectoral approach that draws on the expertise and contributions of all key stakeholders at the international level and, most importantly, at the national level. At the international level, the individual mandates of UN bodies that are engaged in supporting transitions to peace require specific inputs relevant to gender justice at different stages of a transition process and a sustained commitment over the long term. . . .The scope and sequence of gender-related activities will vary between missions and countries. This means that integrated planning and implementation, involving all relevant UN players -- including UNIFEM and other agencies operating in the field -- is vital, so that the range of activities undertaken in any one mission or country harnesses the comparative advantage of the different actors in order for efforts to be successful. (NY para. 90)

Collaboration and Coordination among International and National Partners

- The need for a partnership approach to address and support gender justice requirements of conflict-affected countries is crucial -- between key stakeholders within conflict-affected countries; between conflict-affected countries and the international community (including the UN, regional organizations, donors, international financial institutions, NGOs); and within civil society. To be more effective, the international community must make a greater effort to coordinate, to avoid duplication of efforts, and to establish inter-linkages between programmes. It was noted, as an example, that the synergy and cooperation established by the Interim Cooperation Framework in Haiti is something that should be fostered for the future.

- With regard to providing assistance and support for strengthening the different legal systems of various post-conflict countries, it was noted that there is often a gap in capacity within the international community to be able to provide timely assistance in such countries. It was suggested that specialized NGOs with legal and judicial expertise across systems, like ILAC, could provide assistance to such countries and also contribute to a broader understanding of these different legal systems among donors and other international actors.

C. CONCLUSION

31. In the context of the ongoing process of UN reform, the participants of the Stockholm Meeting spoke with one voice: greater and more coordinated attention must be given to rule of law and gender justice requirements of conflict-affected societies, including throughout all levels and bodies of the UN; national women stakeholders, gender justice experts and UNIFEM expertise must be included in assessment and planning processes of UN peace operations and assistance programmes; accountability mechanisms for gender justice, at the national and international levels, are critical; and more sustained and long-term funding and resources must be allocated to meet gender justice requirements. The upcoming 2005 World Summit of the General Assembly in September, as well as the upcoming Security Council debate in October on women, peace and security to mark the fifth anniversary of resolution 1325 (2000), provide critical and timely opportunities for the UN to again shine a bright light on the importance of addressing gender justice requirements of post-conflict societies and to develop long-term strategies for making progress.

32. When the Security Council adopted resolution 1325 five years ago, the light shone bright on the need to mainstream gender justice and gender equality in conflict prevention, conflict resolution and peacebuilding processes, including UN peacekeeping operations, and to ensure gender balance in UN leadership and decision-making positions. It is with great hope and expectation that today's pressing requirements to strengthen rule of law and gender justice in conflict-affected countries, as well as the recommendations on gender justice that emerged from both the UNIFEM/ILAC Conference and the Stockholm Meeting, will be given serious consideration by the members of the General Assembly and the Security Council, as well as other key actors in the UN system, in developing long-term strategies for building peace in such countries -- but strategies that effectively advance implementation of resolution 1325. Women in conflict-affected areas worldwide deserve such action.

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Letter dated 24 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 21 October 2005, addressed to you by Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Ersin **Erçin**
Minister Counsellor
Deputy Permanent Representative
Chargé d'affaires a.i.

05-56976 (E) 261005

Annex to the letter dated 24 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 14 October 2005, addressed to you by the Greek Cypriot representative and circulated as a document of the General Assembly and of the Security Council (A/60/434-S/2005/654), which yet again contains allegations of violations of the "airspace of the Republic of Cyprus" and of the "flight information region of Nicosia", and to bring to your kind attention the following:

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only authority competent to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating to itself the rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. Following the rejection by the Greek Cypriot side of the United Nations settlement plan last year, the international community in general and the United Nations in particular is expecting positive moves from the Greek Cypriot administration demonstrating its political will and sincerity for a fair and just settlement in Cyprus. As a first step, the Greek Cypriot administration, without further delay, should heed your call and pronounce itself with "clarity" and "finality" on the question you have put to it.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus

United Nations S/2005/671

Security Council

Distr.: General
26 October 2005

Original: English

Letter dated 17 October 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 25 July 2005 (S/2005/482). The Counter-Terrorism Committee has received the attached sixth report from Australia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

05-57779 (E) 021105

Annex

Letter dated 11 October 2005 from the Permanent Representative of Australia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I am writing in response to your letter of 11 July 2005 following up Australia's fifth report to the Committee and requesting updates on implementation of a range of counter-terrorism issues. The updated information you requested is attached (see enclosure).

I would also like to take this opportunity to assure you of Australia's ongoing efforts to provide leadership and assistance in the Asia-Pacific region in support of cooperative counter-terrorism efforts at the bilateral, regional and global levels. With the recent murders of more innocent victims from Australia, Indonesia and other countries in Bali, closely coinciding with the sad anniversary of the 2002 bombings on that island, we have again been given a stark reminder of the ever-present and deadly threat we all face. We reiterate Australia's enduring commitment to assist your committee to do all it can to combat the scourge of international terrorism and pledge our strong support for your excellent work as Chairman.

(*Signed*) John **Dauth**

Enclosure

Sixth report to the Counter-Terrorism Committee

Australia remains a strong supporter of international and domestic efforts to defeat terrorism. As noted in previous reports to the Committee, since the adoption of Security Council Resolution 1373, Australia has put in place extensive measures to prevent the financing of, preparations for and basing from Australia of terrorist attacks.

Australia has pleasure in responding to the request from the Counter-Terrorism Committee of the United Nations Security Council for further information on aspects of Australia's fifth report to the Committee regarding the implementation of Resolution 1373 (2001), which was submitted on 15 February 2005.

Financial Action Task Force (FATF) revised recommendations

The Committee sought an update on Australia's current review of anti-money laundering/countering the financing of terrorism (AML/CFT) measures and further information on the regulation of non-profit organizations.

As noted in our fifth report to the Counter-Terrorism Committee, UNSCR 1373 does not specifically require compliance with the revised FATF Forty Recommendations on Money Laundering, or the FATF Nine Special Recommendations on Terrorist Financing. Nevertheless, Australia is pleased to provide the requested update on Australia's review of its AML/CFT measures and further information on the regulation of non-profit organizations. We note that the Security Council, in its Resolution 1617, strongly urged all Member States to implement the FATF Forty Recommendations on Money Laundering and the Nine Special Recommendations on Terrorist Financing.

Update on AML/CFT review

As noted in its fifth report, Australia is in the process of undertaking a review of AML/CFT measures with a view to extending these obligations to a broader range of entities such as lawyers and accountants. This review is still ongoing as the Government of Australia continues to consult with affected industry sectors. The Minister for Justice and Customs is currently holding a series of round-table meetings with industry representatives with a view to releasing exposure draft legislation soon. Further information on the AML/CFT review is available on the Attorney-General's Department AML/CFT website at http://www.ag.gov.au/aml.

Regulation of non-profit organizations

As previously noted, Australian non-profit organizations (NPOs) are generally subject to similar registration and reporting requirements as other legal entities or arrangements, and NPOs are required to register with the Australian Taxation Office (ATO) for taxation purposes if they have a turnover of more than AUD 100,000 per year or if they are seeking eligibility for tax concessions or to be treated as deductible gift recipients. The requirement for NPOs seeking tax deductible gift recipient status to register with the ATO applies to all NPOs, regardless of turnover.

Registration involves obtaining an Australian Business Number (ABN) and being included on the Australian Business Register (ABR). Once an NPO is registered, key information, such as the NPO's charitable and tax deductible status is publicly available on the ABR website.

Charities and NPOs, irrespective of their turnover, must also register in most States if they wish to raise funds. These requirements are supervised by State authorities.

The ATO analyses financial transaction report information to ensure that entities linked to known terrorists or known terrorist organizations are not endorsed for tax concessions or as deductible gift recipients. Australia's financial intelligence unit, AUSTRAC, also monitors the financial transactions of NPOs in the same way that it monitors other organizations, by scrutinizing their international funds transfer instructions, significant cash transactions, suspect transactions and international currency transfers. To date, there have been no substantiated links between terrorist groups and NPOs in Australia.

The Australian Government has recently announced that it would consult with the State and Territory Governments on the possible enactment of laws to prevent further the use of non-profit or charitable organizations for the financing of terrorism.

The Australian Government has also conducted outreach activities with the non-profit sector, in particular, Australian non-government organizations (NGOs) delivering aid overseas. The Department of Foreign Affairs and Trade has participated in legal workshops with NGOs to explain their responsibilities under Australia's anti-terrorist financing legislation. Counter-terrorism clauses have been included in Government aid contracts with NGOs and commercial contractors and guidelines have been developed to assist NGOs to minimize the risk of aid funds being diverted to terrorist ends. Similar counter-terrorism clauses have been included in Australia's aid agreements with multilateral organizations such as UNICEF and UNDP.

The Convention for the Marking of Plastic Explosives for the Purpose of Detection

The Committee has sought an update on Australia's progress towards accession to the Convention for the Marking of Plastic Explosives for the Purpose of Detection (MARPLEX Convention).

During 2005, Australia has taken steps necessary to effect the implementation of the MARPLEX Convention. It is anticipated that the MARPLEX Convention and a National Interest Analysis (NIA) will be tabled in Parliament before the end of 2005. The Convention and the NIA will then be the subject of parliamentary review by the Parliamentary Joint Standing Committee on Treaties.

Draft legislation implementing domestically the obligations under the MARPLEX Convention has also been prepared for introduction into Parliament before the end of 2005. As Australia's treaties process requires all necessary legislation implementing a treaty to be in place before Australia becomes a party to a treaty, Australia will only be in a position to accede to the MARPLEX Convention once this legislation has been adopted.

United Nations S/2005/672

Security Council

Distr.: General
25 October 2005

Original: English

Letter dated 21 October 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to refer to the attached letter dated 3 October 2005 from the Permanent Representative of the Principality of Liechtenstein to the United Nations regarding the Committee's list maintained pursuant to Security Council resolution 1452 (2002). The Committee considered the content of the letter on 7 October 2005 at its informal consultations and decided to forward it to you for issuance as a document of the Security Council, in accordance with the request contained therein.

(*Signed*) César **Mayoral**
Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

05-57046 (E) 261005

Annex to the letter dated 21 October 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

List of States in accordance with paragraph 3 of Security Council resolution 1452 (2002)

In a note verbale addressed to the Committee and dated 8 February 2005, I referred to Security Council resolution 1452 (2002). According to paragraph 3 (a) of that resolution, the Committee maintains a list of States that have notified the Committee of their intent to apply humanitarian exceptions from the sanctions regime in accordance with the provisions of paragraph 1 (a) of the resolution and as to which there was no negative decision by the Committee. In the interest of transparency and effectiveness of the implementation of the sanctions regime and its humanitarian exceptions, I requested in that note verbale that the Committee make that list available to interested Member States through the Secretariat.

Upon request by the Committee, we provided additional reasons for our request on 19 April 2005. On that occasion, we underlined that the provisions on humanitarian exceptions established by resolution 1452 (2002) are an important feature of the Al-Qaida and Taliban sanctions regime and a valuable tool for safeguarding human rights and due process standards in the application of sanctions. They thus facilitate the implementation of counter-terrorism measures by Member States. The implementation of the sanctions regime, including its humanitarian exceptions, would further strengthened if Member States were able to be fully informed of the practice of the Committee in response to the notifications of Member States. Such information would be useful for the handling of potential cases of humanitarian exceptions arising at the national level. In addition, greater transparency in the Committee's practice on humanitarian exceptions might also improve the perception of the sanctions regime as a balanced set of measures, respectful of international standards of human rights and due process. In this regard, beyond the publication of the list of notifying States, full disclosure of the cases presented to the Committee and the respective decisions would be desirable. However, as a minimal step in that direction, access for all Member States to at least the information foreseen in paragraph 3 (a) of resolution 1452 (2002) would to some degree enhance transparency and facilitate the application of the provisions of the relevant Security Council decisions.

In a letter dated 1 August 2005, you informed me that the Committee, after extensive consultation, has not been able to agree to make the list available.

I wish to convey to you my feelings of regret that the Committee has decided not to take a minimal measure of increased transparency in the handling of requests for humanitarian exceptions, which would have been in the spirit of the ongoing efforts to enhance the involvement of States not members of the Council in its work,

as well as a contribution to the effectiveness of the sanctions regime imposed by the Council. I kindly request that the present letter be issued as a document of the Security Council.

(*Signed*) Christian **Wenaweser**
Ambassador
Permanent Representative

United Nations S/2005/673

Security Council

Distr.: General
26 October 2005

Original: English

Letter dated 26 October 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith my second semi-annual report on the implementation of resolution 1559 (2004), pursuant to the request of the Security Council expressed in the presidential statement of 19 October 2004 (S/PRST/2004/36), that I continue to report on the implementation of the resolution to the Council every six months.

(*Signed*) Kofi A. **Annan**

05-57131 (E) 281005

Second semi-annual report of the Secretary-General to the Security Council on the implementation of resolution 1559 (2004)

I. Introduction

1. The present report is my second semi-annual report to the Security Council on the implementation of resolution 1559 (2004), pursuant to the request of the Council, expressed in the presidential statement of 19 October 2004 (S/PRST/2004/36), that I continue to report on the implementation of the resolution to the Council every six months.

2. In its resolution 1559 (2004), adopted by the Security Council on 2 September 2004, the Council reiterated its strong support for the territorial integrity, sovereignty and political independence of Lebanon. The Council called upon all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of that resolution and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon. It also defined a number of operational requirements, among them:

(a) The withdrawal of all remaining foreign forces from Lebanon;

(b) The disbanding and disarmament of all Lebanese and non-Lebanese militias;

(c) The extension of the control of the Government of Lebanon over all Lebanese territory;

(d) Strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon.

The Council also declared its support for a free and fair electoral process in Lebanon's then upcoming presidential election, conducted according to Lebanese constitutional rules devised without foreign interference or influence.

3. In my first report to the Security Council of 1 October 2004 (S/2004/777), I concluded that the requirements set out in the resolution had not been met. In my second report, the first semi-annual report on the implementation of resolution 1559 (2004) (S/2005/272), I stated that as of 26 April 2005, the parties concerned had made significant and noticeable progress towards implementing some of the provisions contained in the resolution, although the requirements of resolution 1559 (2004) had not yet been met.

4. Since my last report to the Security Council of 26 April 2005, the parties concerned have made considerable further progress towards the implementation of resolution 1559 (2004). A number of operational requirements derived from resolution 1559 (2004) have been met, among them the withdrawal of Syrian forces from Lebanon and the conduct of free and fair legislative elections. Others remain to be implemented, particularly the disbanding and disarming of Lebanese and non-Lebanese militias, the extension of government control throughout all of Lebanon and the full restoration and strict respect for the sovereignty, unity, territorial integrity and political independence of Lebanon, most notably through the

establishment of normal diplomatic relations and the demarcation of borders between the Syrian Arab Republic and Lebanon.

II. Background

5. In the six months since my last report of 26 April 2005 (S/2005/272), the situation in Lebanon has remained volatile. There have been a number of worrying developments affecting the stability of Lebanon, particularly in the form of terrorist acts and the illegal transfer of arms and people across the borders into Lebanon.

6. On 2 and 21 June, and 25 September 2005, respectively, several prominent Lebanese figures were targeted by car bombs in Beirut, which killed Samir Qassir and George Hawi and left May Chidiac severely injured. A further assassination attempt was carried out against Lebanon's Minister of Defence, Elias Murr, on 12 July 2005, which left one person dead and several, including the Minister, injured. Further bombings took place on 22 July, 23 August, and 16 September 2005 and left one person dead as well as numerous persons injured.

7. The Security Council unequivocally and strongly condemned these bombings and the continuation of political assassinations and other terrorist acts in Lebanon in presidential statements released on 7 June 2005 (S/PRST/2005/22) and 22 June 2005 (S/PRST/2005/26), as well as in press statements released by the President of the Security Council on 12 July and 28 September 2005. I also condemned in the strongest possible terms the assassinations of Mr. Qassir and Mr. Hawi and the attempted assassinations of Mr. Murr and Ms. Chidiac. In repeated statements, I urged the Lebanese authorities to bring promptly to justice the perpetrators and instigators of those terrorist attacks. As a result of such acts, numerous Lebanese political leaders have chosen to spend prolonged periods of time abroad, in fear for their lives.

8. On 7 May 2005, General Michel Aoun returned after 14 years in exile and formed the Free Patriotic Movement (FPM) to participate in the legislative elections that began on 29 May and concluded after four rounds on 19 June. The elections resulted in a clear victory of a coalition of the Future Movement, led by Saad Hariri, and the Progressive Socialist Party, led by Walid Jumblatt, which gained 72 seats. An alliance of the Amal party and Hizbollah gained 35 seats and FPM, led by Michel Aoun, won 21 of the 128 parliamentary seats.

9. On 19 July, a new Government was formed after intense discussions and negotiations between the political parties and President Lahoud, and not without difficulty, by Prime Minister Fouad Seniora, a former Minister of Finance who belongs to the Future Movement. Mr. Seniora's Cabinet consists of 24 members, including 15 from the Future Movement and 5 representing the Shiite alliance that includes Hizbollah. For the first time, a member of Hizbollah, Mohammed Fneish, obtained a ministerial portfolio as Minister of Water and Energy. On 31 July, the new Government passed the parliamentary vote of confidence comfortably. Earlier, on 18 July, the newly elected Parliament had also approved a motion to pardon Samir Geagea, leader of the Lebanese Forces, who had spent the past 11 years incarcerated.

III. Implementation of resolution 1559 (2004)

10. Since my report of 26 April 2005, there has been considerable further progress towards the implementation of resolution 1559 (2004). A number of operational requirements derived from resolution 1559 (2004) have been met, others have not yet been met.

A. Withdrawal of foreign forces deployed in Lebanon

11. In my report of 26 April 2005, I noted the commitments by the Government of the Syrian Arab Republic to the United Nations fully to withdraw its troops, military assets and the intelligence apparatus from Lebanon. I also referred to the letter of 26 April 2005 to me from the Government of the Syrian Arab Republic, in which it notified me of its full withdrawal from Lebanon, in fulfilment of these commitments and of this requirement under resolution 1559 (2004). I further stated in my report that I had not yet been able to verify the full and complete withdrawal of Syrian troops, military assets and the intelligence apparatus from Lebanon, but that I had, with the agreement of the Governments of the Syrian Arab Republic and Lebanon, dispatched a United Nations mission for the purpose of carrying out such verification.

12. I submitted the report of the United Nations mission to verify the full and complete withdrawal of Syrian forces from Lebanon pursuant to Security Council resolution 1559 (2004) in an annex to my letter of 23 May 2005 (S/2005/331). In its report, the verification team stated that it had "found no Syrian military forces, assets or intelligence apparatus in Lebanese territory," and concluded that "to the best of its ability, with the possible exception of the Deir Al-Ashayr area, the status of which is unclear ..., Syrian troops and military assets have been fully and completely withdrawn from Lebanese territory."

13. The verification team also noted that "the withdrawal of the Syrian intelligence apparatus has been harder to verify because intelligence activities are by nature often clandestine." It drew the conclusion that to the best of its ability, "no Syrian military intelligence personnel remain in Lebanon in known locations or in military uniform," and noted that it was "unable to conclude with certainty that all the intelligence apparatus has been withdrawn."

B. Sovereignty, territorial integrity, unity and political independence of Lebanon

14. In its resolution 1559 (2004), the Security Council placed central emphasis on the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon, reiterating this concern repeatedly. In its presidential statement of 4 May 2005 (S/PRST/2005/17) related to my report of 26 April 2005, the Council underlined the fact that Lebanon's full political independence and full exercise of its sovereignty was the ultimate goal of resolution 1559 (2004).

15. I have continued to assign this matter the highest priority in my efforts and have, out of concern over the continuing volatility of the political and security situation in Lebanon, maintained my very close contact with the Lebanese authorities and senior Lebanese officials. United Nations assistance in a number of fields has been extended or expanded in order to support the efforts of the people

and the Government of Lebanon to reaffirm their sovereignty, unity and political independence.

16. In my report to the Council of 26 April 2005, I identified three elements of particular importance to the restoration of, and strict respect for, the sovereignty, unity and political independence of Lebanon. These were: (a) the eradication of the existence and influence of the Syrian intelligence apparatus in Lebanon; (b) the establishment of mutual diplomatic representations between the Syrian Arab Republic and Lebanon; and (c) the conduct of free and credible parliamentary elections in Lebanon. A fourth element that carries equal significance in this context, which has emerged in the context of the withdrawal of Syrian troops, military assets and the intelligence apparatus, is the need for an agreement between Lebanon and the Syrian Arab Republic on the international border between them and its demarcation on the ground. In addition, I referred to Israeli overflights, which violate Lebanese territorial integrity.

Syrian intelligence apparatus in Lebanon

17. In paragraphs 12 and 13 above, I have concluded that no visible or significant Syrian intelligence presence remains in Lebanon. However, reports have surfaced on occasion, suggesting that Syrian intelligence continued to operate in Lebanon and that the Syrian intelligence apparatus continued to influence events in Lebanon.

18. I therefore urgently directed the United Nations verification team to return to Lebanon and clarify issues regarding the withdrawal of the Syrian intelligence apparatus by liaising with Lebanese officials, including security personnel, and Syrian officials, as well as by meeting Lebanese civilians who might possess relevant information and diplomatic missions and others. The mission deployed from 12 June until 11 July 2005 and reported to me shortly thereafter.

19. The verification team conducted a broad range of consultations and meetings, including with senior Lebanese political figures and security officials, as well as with Syrian security officials. It noted the changing relationship between Lebanon and the Syrian Arab Republic, and that close historical and even family ties as well as the climate of fear, suspicion and rumour prevailing in Lebanon had to be taken into account when assessing reports and rumours of continuing Syrian intelligence activity in Lebanon. The team reported that numerous sources, including ministers, former ministers and security officials, had told it that in their view Syrian intelligence activity was taking place in Lebanon. In its assessment, there were some credible reports of Syrian intelligence activity, but most were exaggerated. It was also the assessment of the team that it was possible that some Syrian intelligence officers had made a few fleeting visits to Lebanon after their withdrawal, and that it was probable that Syrian intelligence officers had made telephone calls to maintain networks of contacts, bolster their influence and subtly manipulate the political environment. However, the extent and purpose of any such activity was difficult to assess. The verification team concluded that, in particular, telephone call activities in the context of the Lebanese elections were not widespread and did not appear to have had a significant impact on the elections.

20. Overall, the team corroborated its earlier conclusion that there was no remaining visible or significant Syrian intelligence presence or activity in Lebanon, though the distinctly close historical and other ties between the Syrian Arab

Republic and Lebanon also had to be taken into account when assessing a possibly ongoing influence of Syrian intelligence in Lebanon.

Establishment of mutual diplomatic representation

21. I have continued my discussions on the issue of the establishment of mutual diplomatic representation with the Governments of the Syrian Arab Republic and Lebanon. Both Governments have reiterated to me their intention to formalize relations between the two countries. On 17 October, Lebanese Prime Minister Seniora assured me that his Government aspired to a relationship between the Syrian Arab Republic and Lebanon "based on equality and mutual respect." The Prime Minister also told me that he favoured the establishment of mutual diplomatic representations between the two countries within the coming period.

22. In this context, I note the complications arising from the lack of a clearly agreed upon and demarcated border between Lebanon and the Syrian Arab Republic, as commented on by the United Nations mission to verify the full and complete withdrawal of all Syrian troops, military assets and the intelligence apparatus from Lebanon. The team noted the presence of a Syrian battalion of troops in the Deir al-Ashayr area and that it could not verify whether that presence was actually located in Lebanon or, as the commander of the battalion stated, inside Syrian territory. I conclude that as part of the formalization of ties between the two countries and in order to guarantee the sovereignty, political independence and territorial unity of Lebanon, there is need for a formal border agreement and demarcation of that border on the ground. I take particular note of Prime Minister Seniora's statement to me on 17 October that talks between the Governments of Lebanon and the Syrian Arab Republic on the demarcation of the border between the two countries, which had originally been initiated in 1964 and were suspended in 1975, had recently re-begun.

23. I expect that the Governments of Lebanon and the Syrian Arab Republic will take tangible measures to formalize ties between the two countries as sovereign and independent nations in the near future and prior to my next report to the Security Council.

Lebanese parliamentary elections

24. In my last report, I identified the conduct of free and credible legislative elections according to constitutional rules devised without foreign interference or influence as a central means of reaffirming the full sovereignty, unity and political independence of Lebanon. I noted that free and credible elections should be held on schedule and in accordance with an electoral law that is broadly accepted by the Lebanese people. I also stated that I had been discussing with the Government of Lebanon the possibility of extending United Nations technical assistance at its request and that I had encouraged the idea that international observers be invited to monitor the elections and was awaiting a request to that effect from the Government of Lebanon.

25. Shortly after my report was issued, the 2000 electoral law, broadly accepted by most Lebanese parties, was adopted as the basis for the conduct of the elections, after Parliament failed to agree on adopting the existing draft law introduced by former Prime Minister Karami's Government. The United Nations received a request for technical electoral assistance from the Government of Lebanon, in

response to which a United Nations team from the Electoral Assistance Division was dispatched to Lebanon on 3 May 2005 to provide technical assistance with the organization of the elections and coordination of electoral observers.

26. The Lebanese parliamentary elections took place in four rounds, beginning on 29 May 2005, two days before the legal term of the sitting Parliament expired. Voting continued until the fourth and final round on 19 June. In a statement released on 20 June, I congratulated the people and Government of Lebanon for their successful elections, which were credible and well-conducted technically, in a free and non-violent environment. The Security Council, in its presidential statement of 22 June 2005 (S/PRST/2005/26), commended the fair and credible character of the vote and paid tribute to the Lebanese people for their strong commitment to democracy, freedom and independence.

27. For the first time in Lebanese history, and in response to a request from the Government of Lebanon, the elections were monitored by more than 100 international electoral observers, among them, most notably, a large European Union Electoral Observer Mission, consisting of short-term and long-term observers and electoral experts. The United Nations remained active throughout the electoral period in extending technical assistance and coordinating the multinational electoral observers.

28. The European Union Observer Mission assessed the whole election process, including the legal framework, the political environment and campaign, electoral preparations, voting and counting as well as the post-election period, and judged that the ballots were "well managed and took place in a peaceful manner within the existing framework for elections." The electoral observers also emphasized that there was a need for urgent reform of the legal and election framework, as provisions on electoral campaigning were lacking, and it was necessary to regulate campaign and financial disclosure. The monitors further noted that some key constitutional provisions, based on the Taif Agreement, had not yet been implemented, including the creation of a bicameral parliamentary system and a reduction of the role of confessionalism in public life. The observers also commented on shortcomings in the field of the election administration and related to the system for voter registration, which was in need of urgent reform.

29. These findings underlined the need for further work to ensure the freedom and credibility of electoral processes in Lebanon. Areas specifically identified include: the system of political representation and the election framework, which should seek to overcome the high significance of confessionalism; the electoral law, which should be devised early and should be inclusive; the delineation of electoral district boundaries in such a way that it serves best the principles of equal vote and adequate political representation; voter registration; the actual ballots; and campaign financing.

30. At the request of the Lebanese authorities, I am maintaining my efforts to assist the Lebanese people in the establishment of an appropriate and enduring legal and institutional framework to ensure free and fair electoral processes in Lebanon. The United Nations continues to assist the Lebanese National Commission, a special panel of pre-eminent personalities appointed by the Government of Prime Minister Seniora in the immediate aftermath of the parliamentary elections to draft a new and permanent electoral law. Despite such ongoing and necessary work to ensure the broad freeness and credibility of electoral processes in Lebanon, I note that the

operational requirement of free and credible elections derived from resolution 1559 (2004) has been met.

Israeli overflights that violate Lebanese territorial integrity

31. Since my report to the Council of 26 April 2005, Lebanese territorial integrity has continued to be violated regularly by Israeli aircraft flying into Lebanese airspace. The Government of Israel continues to maintain its claim that such overflights are carried out for security reasons. My representatives in the region and I have regularly continued to reiterate our call on Israel to cease such overflights.

C. Extension of Lebanese Government control over all Lebanese territory

32. In its resolution 1559 (2004), the Security Council supported the extension of the control of the Government of Lebanon over all Lebanese territory. Moreover, the Council called upon all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of that resolution and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.

33. In my report to the Council of 1 October 2004, I stated that the Government of Lebanon had not extended its control over all of its territory. I reaffirmed this assessment in my report of 26 April 2005.

34. In the past six months, there have again been incidents that underline the fact that the Government of Lebanon does not yet fully exert control over all of its territory.[1] I was particularly concerned when, in early June this year, the Lebanese army appeared to be reducing its presence and control in the south of the country and Hizbollah strengthened its own presence in response. The Lebanese authorities stated to me that measures of a reduced army presence were part of an overall redeployment of the army throughout the country as a result of a reduction in its troop strength from 60,000 to 40,000 troops. After the United Nations had expressed its concern, on 3 July, the Lebanese army re-established its original presence.

35. Along the Blue Line, a fragile calm has continued to prevail during most of the period since my last report, though frequent violations have, in one instance of serious deterioration, led to deaths and injuries. On 29 June, a particularly disconcerting incident, in which Hizbollah and Israel engaged in a heavy exchange of fire, resulted in the death of one Israel Defense Forces soldier, the wounding of four others and the death of two Hizbollah fighters. The Security Council, in a press statement on the incident, reiterated its call on the Government of Lebanon to extend its control over all of its territory, including through the deployment of Lebanese armed forces, to exert its monopoly on the use of force and to put an end to all attacks emanating from its territory. Other such incidents along the Blue Line, which were initiated from inside Lebanese territory, occurred in July and August this year.

36. The Security Council, in its resolution 1614 (2005), called upon the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the south, including through the deployment of sufficient numbers of Lebanese armed and security forces, to ensure a calm environment throughout the

[1] I have described these incidents in more detail in my report on the United Nations Interim Force in Lebanon of 21 July 2005 (S/2005/466).

area, including along the Blue Line, and to exert control and monopoly over the use of force on its entire territory and to prevent attacks from Lebanon across the Blue Line. It also welcomed my intention to discuss with the Lebanese Government the next steps in preparing for an expansion of its authority in the south. I have continued my dialogue with the Lebanese authorities on the matter and am looking forward to the early fulfilment of these obligations. In this context, I am encouraged by the commitment of Prime Minister Seniora's Government to me that it will seek to assert its monopoly on the use of force and exert its control throughout all Lebanese territory through a national dialogue with all relevant parties, and its statement to me that it has begun taking action to that effect.

37. Prime Minister Seniora has also informed me of a recent increased deployment of the Lebanese Armed Forces along the border with the Syrian Arab Republic for the purpose of halting the illegal transfer of arms and people. He has further informed me that the Lebanese Armed Forces had erected checkpoints and increased their presence around positions of armed Palestinian groups to the south of Beirut and in the Beqaa Valley in recent weeks and that the Government of Lebanon had begun a dialogue with such groups on the issue of their arms.

D. Disbanding and disarmament of Lebanese and non-Lebanese militias

38. In its resolution 1559 (2004), the Security Council called for the disbanding and disarmament of all Lebanese and non-Lebanese militias. In my report to the Council of 1 October 2004, I stated that despite the successful efforts of the Government of Lebanon to reduce significantly the number of militias present in Lebanon, several armed elements remained. I reported that the most significant such group was Hizbollah. In my report of 26 April 2005, I noted my ongoing dialogue with some relevant parties on the issue of the disbanding and disarmament of Lebanese and non-Lebanese militias and that the United Nations had not yet reached operational conclusions on that matter. I also recalled that the 1989 Taif Agreement, fully consistent with resolution 1559 (2004) on that matter, called for the disbanding of all Lebanese and non-Lebanese militias and the delivery of their weapons to the Government of Lebanon.

39. Besides Hizbollah, as I stated in my report to the Council of 1 October 2004, there are Palestinian militias in Lebanon. Such armed groups have enjoyed relative autonomy inside Palestinian refugee camps, which the Lebanese authorities do not generally enter. While there has been no fundamental change in the status of such groups, a variety of recent reports has suggested that there has been an increasing influx of weaponry and personnel from Syria to some of these groups. The issue has also been raised with me by a number of senior Lebanese and other officials. The Government of the Syrian Arab Republic has informed me that the smuggling of arms and people across the Syrian-Lebanese border did indeed take place, albeit in both directions.

40. The Government of Lebanon has informed me that it had undertaken significant measures towards restricting such an influx of arms and people and the free movement of weaponry and armed elements to and from the Palestinian refugee camps in Lebanon in recent weeks, in particular since the end of September 2005. The Lebanese Armed Forces enhanced their deployment along the border with the Syrian Arab Republic and increased both mechanized and foot patrols. The Government of Lebanon has also informed me that the Lebanese Armed Forces had further increased their presence, erected new checkpoints and tightened controls

around positions of Palestinian armed groups headquartered in the Syrian Arab Republic to the south of Beirut and in the Beqaa Valley. On 7 October, the Lebanese army conducted raids against posts held by Syrian-headquartered Palestinian armed groups in the Beqaa Valley, in the course of which weapons were seized. The Government of Lebanon has informed me that the Lebanese Armed Forces had also detained and deported a number of infiltrators of Palestinian origin who carried Syrian identification documents.

41. I have taken note of the assurance of the Government of Lebanon that "there is no need for weapons outside the [Palestinian] refugee camps, which do not serve the Palestinian cause and are not accepted by the Lebanese," as first stated by Prime Minister Seniora on 7 October. Mr. Seniora has further underlined to me his resolve to continue the internal dialogue to achieve the disarmament of Palestinian armed groups peacefully, without confrontation with those groups. On 13 October, the Council of Ministers unanimously approved the position of the Prime Minister to "reject any armed Palestinian presence outside Palestinian refugee camps." The Prime Minister has informed me that he would also, as a first step, seek to establish order and control on such armed Palestinian groups inside the camps.

42. In this context, I have also taken particular note of Prime Minister Seniora's "call on the Syrian leadership to practice in this case the necessary self-restraint through its ties with Palestinian factions." I have further taken note of Prime Minister Seniora's commitment that the Lebanese State and its security institutions had the duty to guarantee the security of the people, citizens and guests, including the Palestinians. It is also noteworthy that other senior Lebanese representatives, such as former Prime Minister Najib Miqati, have stated that "there should not be any weapons either inside the camps or outside them."

43. In a public statement, issued on 4 October in Damascus, the Syrian-headquartered Popular Front for the Liberation of Palestine-General Command (PFLP-GC) strongly objected to the insistence of "certain sides in the Lebanese Government" on "dealing with the question of Palestinian arms from a narrow security angle ... to hastily enforce resolution 1559 (2004)." In its statement, PFLP-GC rejected the implementation of resolution 1559 (2004), stating that "the attempt to sacrifice the weapons of the Palestinians of Lebanon in line with resolution 1559 (2004) will not be greeted with silence or compromise," and asserting that Prime Minister Seniora would bear "direct responsibility for the hostile measures against our Palestinian people taken under the cover of a political and media campaign of disinformation." On 7 October, in response to the full alert raised for the Lebanese Armed Forces, Palestinian armed groups went on a similar alert.

44. On 8 October 2005, Prime Minister Seniora conducted historic talks, the first of their kind, with representatives of Palestinian groups in Lebanon on the issue of their arms. The Palestinian groups attended separate talks in two delegations. The first group represented the factions belonging to the umbrella Palestine Liberation Organization (PLO). Members of this delegation agreed with the Prime Minister to "initiate the organization of the armed Palestinian presence in the camps to guarantee security." Prime Minister Seniora reached agreement with members of the second delegation, which consisted of armed Palestinian groups headquartered in Damascus,[2] to create a follow-up committee to discuss all issues, including the issue

[2] These include PFLP-GC, Hamas, Islamic Jihad and Al-Saiqa.

of arms. On 13 October, the Lebanese Cabinet, having unanimously approved the Prime Minister's position, decided to establish such a commission, with the aim of resolving through dialogue the question of Palestinian arms inside the camps.

45. I have maintained close contact with the leadership of PLO and the Palestinian Authority, which has assured me of its support for the full implementation of all the provisions of resolution 1559 (2004). PLO Chairman and President of the Palestinian Authority Mahmoud Abbas has stated publicly that the position taken by some of the Palestinian groups does not reflect the PLO stance, emphasizing that the Palestinians were "guests in Lebanon," respecting "Lebanon's laws and security." President Abbas has also stated to me that "the illegal transfer of substantial quantities of weapons into the refugee camps through certain Palestinian groups puts Lebanon at risk and is unhelpful to the Palestinian cause." In this context, I also note that President Abbas has referred to the Palestinian Authority's request to establish a Palestinian diplomatic mission in Beirut, which would contribute to the formalization of relations between the Lebanese and the Palestinian peoples. I fully support this initiative.

46. At my behest, Prime Minister Seniora and President Abbas met on 18 October in Paris to discuss issues related to the presence of the Palestinian refugees in Lebanon. In a joint statement, the two leaders underlined the need to respect the sovereignty and political independence of Lebanon and Lebanese law and security requirements. They expressed their grave concern over the illegal transfer of arms and people to Palestinian groups in Lebanon, which they considered to have a negative impact on the sovereignty and political independence of Lebanon and to be unhelpful to the Palestinian cause. In the statement, President Abbas also expressed his full support for the measures taken in recent weeks by the Government of Lebanon to ban the carrying of arms outside the Palestinian refugee camps, to halt illegal transfers of arms and people and to assert its monopoly on the use of force and exert its control over all of its territory. President Abbas and Prime Minister Seniora further discussed the establishment of a Lebanese-Palestinian dialogue on the social and economic welfare, security and representation of Palestinian refugees in Lebanon. The two leaders underlined the fact that such a dialogue had to lead to the full implementation of the relevant provisions of the Taif Agreement and all Security Council resolutions related to the arms of Palestinian militias in Lebanon, albeit without confrontation between the Lebanese authorities and the Palestinian groups. The two sides agreed to continue their dialogue with a view to strengthening their bilateral relations in such a way that they would come to establish mutual diplomatic representations.

47. There has not been any noticeable change in the operational status and capabilities of Hizbollah, which, according to its own leadership, has more than 12,000 missiles at its disposal.[3]

48. Many Lebanese continue to maintain that Hizbollah is in fact not a militia, but a "legitimate resistance movement," fighting for the liberation of the Shebaa farms area from Israeli occupation. This interpretation of the status of the Shebaa farms, as I have repeatedly outlined not only in my previous reports on the implementation of resolution 1559 (2004) but also elsewhere, continues to stand in stark contrast to the position of the United Nations (see annex). I confirmed in my report to the Security

[3] Hizbollah Secretary-General Sheikh Nasrallah in his speech on the occasion of the "Day of Resistance and Liberation," in Bint Jubayl, on 25 May 2005.

Council of 16 June 2000 (S/2000/590) that Israel had fulfilled as of that date the requirements of Security Council resolutions 425 (1978) and 426 (1978) that it "withdraw its forces from all Lebanese territory". The Council endorsed this conclusion in the statement of its President (S/PRST/2000/21) of 18 June 2000. Both the Council and I have repeatedly stated the position that the Shebaa farms area is not part of Lebanon. Therefore, any Lebanese "resistance" to "liberate" the area from continued Israeli occupation cannot be considered legitimate. In addition, even if the Lebanese claim to the Shebaa farms area were legitimate, it would be the responsibility of the Government of Lebanon only to address this claim in conformity with international law and relevant Security Council resolutions.

49. The Government of Lebanon has assured me that it remains committed to the implementation of all provisions of resolution 1559 (2004), but that it requires time. Prime Minister Seniora has informed me in particular that the provision of the resolution relating to the disarming and disbanding of militias is subject to an internal dialogue, which he has recently initiated and is committed to lead to its successful conclusion. In this context, Prime Minister Seniora has requested the continued assistance and support of the United Nations for such a domestic dialogue to resolve the issue of Lebanese and non-Lebanese militias in Lebanon fully consistent with the Taif Agreement.

50. It is noteworthy that the Government of Lebanon has chosen to include Hizbollah, which, as I outlined in my previous report on the implementation of resolution 1559 (2004), also operates as a political party, in the Cabinet. For the first time ever, a member of Hizbollah holds a ministerial portfolio. It is further noteworthy that the leaders of Hizbollah have spoken of their readiness "for any internal discussion, any guarantees and any solutions that would keep the efficiency and ability of the resistance to deter and protect. The details will be left to discussion ... This is a Lebanese affair related to our destiny and it is an issue of concern to us all. Therefore, let us sit and discuss things."[4] While the inclusion of Hizbollah in the Government and such recent statements by the group's leadership underline the significance of an internal dialogue and of the possible transformation of Hizbollah from armed militia to political party, it should be noted that operating as a political party and as a militia is contradictory. The carrying of arms outside the official armed forces is impossible to reconcile with the participation in power and in government in a democracy.

51. I have continued my dialogue with the relevant non-Lebanese parties on the matter of the disarming and disbanding of Lebanese and non-Lebanese militias. This dialogue will continue.

IV. Observations

52. In a reflection of continued instability and volatility, Lebanon was subjected to 14 bombings within one year since last October. Such acts of terror and intimidation, which form a pattern of onslaught not only against Lebanese citizens, but also against the principles of a democratic, open society that includes the freedom of the press, must stop. Fortunately, terror, in the form of bombings, assassinations and attempted murders, has not succeeded in destabilizing Lebanon.

[4] Hizbollah Secretary-General Sheikh Nasrallah in his televised speech on the occasion of the "Day of Resistance and Liberation," in Bint Jubayl, on 25 May 2005.

jeopardizing the holding of free and credible parliamentary elections, or undermining the national unity or political independence of Lebanon.

53. Since my report to the Council of 26 April 2005, the parties concerned have made considerable further progress towards the implementation of resolution 1559 (2004). The requirements of the withdrawal of Syrian troops and military assets, as well as of the conduct of free and credible legislative elections, have been met. Progress has also been made through ongoing work on broader electoral reforms, with the assistance of the United Nations. The issue of the disbanding and disarming of all Lebanese and non-Lebanese militias is now under discussion in an internal dialogue among the Lebanese and between the Lebanese and the Palestinians. I am encouraged by my dialogue with the Government of Lebanon on the extension of its control over all of Lebanon's territory. Tangible results are yet to be achieved in these two fields and I will continue my efforts in this regard.

54. In the aftermath of the withdrawal of the Syrian Arab Republic from Lebanon, this is also a time when the redefinition of the relationship between the two historically close neighbours has only just begun. The formalization of ties in the coming period will be of great significance and will manifest the progress the parties are continuing to make towards the full restoration of and respect for Lebanon's sovereignty, territorial integrity, unity, and political independence.

55. Unfortunately, complications have also arisen from the lack of a clearly agreed upon and demarcated border between Lebanon and the Syrian Arab Republic, and have highlighted the need for a formal border agreement and demarcation of that border on the ground between the two countries. There were not only difficulties related to the verification of the full Syrian withdrawal, given the presence of a Syrian army battalion at Deir al-Ashayr at a location that the United Nations found impossible to determine as Lebanese or as Syrian territory. There have also been difficulties related to the control of the borderline between Lebanon and the Syrian Arab Republic and the issue of the illegal transfer of arms and people towards armed Palestinian groups in Lebanon, which has threatened to cast a shadow on the efforts aimed at bolstering Lebanon's sovereignty, territorial integrity, unity and political independence. I reiterate my expectation that a formalization of bilateral relations would contribute significantly to alleviate such concerns. I welcome Prime Minister Seniora's statement to me on 17 October that he favours the establishment of mutual diplomatic missions and that bilateral talks on the issue should resume as soon as possible.

56. Lebanon is witnessing a momentous transition. Events that have taken place in the country since 3 September 2004 have led the people of Lebanon to pierce the wall of silence and speak out loudly and clearly. Taboos of the past have been broken and matters previously too sensitive to discuss openly are now the subject of open debate. Over the past six months, with the first parliamentary elections held after Syria's withdrawal from Lebanon and the formation of a new Government, Lebanon has entered a new phase in its history, a phase that has the potential for the Lebanese finally to leave behind a tragic past, to unite and to shape a new future of self-determination, independence, coexistence and peace.

57. All parties require tolerance and time for adjustment to the new circumstances. In this context, it is a positive development that the Lebanese authorities and the international community, through the Core Group on Lebanon that comprises the United Nations, as well as Egypt, Saudi Arabia, the European Commission, the

World Bank, the United States of America, France, the United Kingdom, Italy, the Russian Federation and the European Union, have begun working together closely in order to implement the plans of the Government of Lebanon for political, economic and institutional reforms in Lebanon, with the aim of promoting stability in Lebanon and in the region as a whole. The United Nations remains steadfastly committed to support the reform process, to assist in the further development of democratic institutions, and to work hand in hand with the Lebanese Government and people for the purpose of reaffirming Lebanon's sovereignty, unity and political independence.

58. I was greatly concerned when shortly after the withdrawal of Syrian troops, military assets and the intelligence apparatus, the Syrian Arab Republic closed its border with Lebanon to Lebanese truck drivers. The closure of the border had considerable effects on the Lebanese economy, which remains in a difficult situation and can only recover with the help of all regional and international partners of Lebanon. I was relieved when the Governments of the Syrian Arab Republic and Lebanon resolved the crisis after a few weeks.

59. The Lebanese Armed Forces now have to show that they can maintain effective security throughout the country at a time when the size of the army is being reduced significantly. In this context, I took positive note of an increase in operations and a more visible presence of the Lebanese armed forces at the beginning of June 2005, in the context of the parliamentary elections in the south. Lebanese forces intervened on a few occasions to control demonstrations and prevent protestors from approaching the Blue Line. I have also taken note of the recent increased presence and engagement of the Lebanese Armed Forces in areas where there are armed Palestinian groups. These are positive steps towards the extension of the control of the Government of Lebanon over all of its territory and the exercise of the Government's monopoly on the use of force throughout its territory. However, as I have stated previously, more needs to be done to meet the Security Council's call for concrete measures to ensure the return of effective governmental authority throughout the south of Lebanon, including through the deployment of additional Lebanese armed forces, and the extension of governmental control throughout all of Lebanon.

60. It should also be noted that in the aftermath of the withdrawal of the Syrian military and intelligence presence, the Lebanese security and intelligence services need to regain public confidence. In this context, I note that the Lebanese authorities have undertaken steps to appoint new permanent, professional directors-general who can enjoy the trust of the public and to change personnel, culture, training and equipment. It will take years to accomplish the full transition to a new security and intelligence service environment, but I note that a start has been made, with the appointments approved by the Lebanese Council of Ministers on 4 October. I also note, in particular, Prime Minister Seniora's statement in a parliamentary session on security issues on 5 October, in which he declared his Government's intention to set up "a secure State, not a security State. ... The Lebanese have the right to feel secure at last, after 30 years of security and political tensions."

61. While an internal dialogue on the issue of the arms of Lebanese and non-Lebanese militias in Lebanon has begun, there remain a number of fundamental concerns. As I have noted, a group engaged in the democratic political process of opinion formation and decision-making cannot simultaneously possess an

autonomous armed operational capacity outside the authority of the State. More broadly, the existence of armed groups defying the control of the legitimate Government, which by definition is vested with a monopoly on the use of force throughout its territory, is incompatible with the restoration and full respect of the sovereignty, territorial integrity, unity and political independence of the country.

62. I am encouraged by the design of a formal mechanism of internal dialogue on the issue of the arms of Palestinian militias in Lebanon and the recent historic summit between Prime Minister Seniora and President Abbas. The two leaders laid the foundations for a continued dialogue between Lebanon and the Palestinians, which in my view manifests an important step towards overcoming with finality a difficult past and towards the reassertion of Lebanon's sovereignty and political independence. I strongly support the formalization of the Lebanese-Palestinian dialogue through the creation of a regular bilateral committee leading to formal diplomatic relations. I also look forward to the formalization of the ongoing domestic dialogue on the issues of the arms of Lebanese militias and their disbanding. I am committed to lending United Nations assistance to both these dialogues in response to Prime Minister Seniora's request to me.

63. Although important progress has been made, I will continue to assign the matter of the full restoration of the sovereignty and political independence of Lebanon the highest priority in my efforts to assist the parties in the implementation of resolution 1559 (2004) in the coming months. In particular, I will focus on working with the Lebanese authorities on the complete exercise of governmental control and authority throughout all of Lebanon, unchallenged by the existence of independent and unsupervised Lebanese and non-Lebanese groups.

64. I reiterate my urgent appeal to all parties concerned to comply with all requirements of resolution 1559 (2004) without delay and to implement fully this and all other resolutions related to the restoration of the territorial integrity, full sovereignty and political independence of Lebanon, in particular resolution 1614 (2005).

65. I continue to believe that the implementation of resolution 1559 (2004) should proceed in a way that would best ensure the stability and unity of Lebanon, the Syrian Arab Republic and the wider region. In this context, I also remain committed to the implementation of all Security Council resolutions and the ultimate achievement of a just, lasting and comprehensive peace in the Middle East.

66. I remain at the disposal of the Security Council and stand ready to continue to assist the parties in the full implementation of resolution 1559 (2004).

Annex

1. Notified by the Israeli Government of its intention to withdraw from south Lebanon and to implement fully its requirements under Security Council resolutions 425 (1978) and 426 (1978), I submitted to the Council a report dated 22 May 2000 (S/2000/460), which set out the requirements for the full implementation of resolutions 425 (1978) and 426 (1978).

2. I noted in that report that I had consulted a total of 81 maps, 25 of them issued by the Governments of Lebanon and the Syrian Arab Republic, and that I had in my possession 10 maps issued after 1966 by various Lebanese Government institutions, including the Ministry of Defence and the army, all of which placed the farmlands in question inside Syrian territory, except one Lebanese map of 1966 of questionable authenticity. In addition, I noted that the area under discussion had consistently fallen within the scope of the area of operations of the United Nations Disengagement Observer Force (UNDOF) since 1974, which had not been contested by any party and did not even change when the United Nations Interim Force in Lebanon (UNIFIL) was established in 1978.

3. As a result of legal, cartographic and historical evidence, I, while noting that the area was occupied by Israel and was therefore subject to Security Council resolutions 242 (1967) and 338 (1973), concluded that the Shebaa farms area claimed by Lebanon could, "without prejudice to any internationally recognized border agreement that Lebanon and the Syrian Arab Republic may wish to conclude in the future," not be considered Lebanese territory. I then submitted a report to the Council dated 16 June 2000 (S/2000/590), in which I concluded that Israel had met the requirements defined and that Israeli forces had withdrawn from Lebanon in compliance with resolution 425 (1978), that is, from all Lebanese territory.

4. The Security Council endorsed this conclusion in a statement made by its President, on behalf of the Council, on 18 June 2000 (S/PRST/2000/21).

5. In a letter to me dated 12 June 2000 (S/2000/564), Lebanese President Lahoud outlined Lebanon's position regarding the Blue Line and wrote:

> "In connection with the Shebaa farmlands, it is clear from the report of the Secretary-General that a de facto line has been adopted for the area in light of the fact that there are no old maps that can confirm the boundary there between Lebanon and Syria. Accordingly, the de facto line is the line separating the areas of operation of UNIFIL and UNDOF, while the United Nations notes that this line can in no way be regarded as affecting the rights of the parties concerned with respect to their international boundaries.
>
> "Lebanon has accepted this assessment until such time as a joint formula for the farmlands area can be agreed by Lebanon and Syria for submission to the United Nations."

6. On a number of occasions, the Security Council has reiterated its confirmation of Israel's withdrawal from all Lebanese territory.

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General Assembly
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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 25 October 2005 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As it persists in waging its military attacks in the Occupied Palestinian Territory, including East Jerusalem, Israel, the occupying Power, continues to carry out extrajudicial killings of Palestinian civilians in grave breach of international law, including international humanitarian law. The continuation by Israel, the occupying Power, of its illegal policies and practices against the Palestinian people under its occupation, especially its unlawful practice of extrajudicial killings, continues to seriously undermine efforts aimed at calming the situation on the ground and reviving the peace process.

On Sunday, 23 October 2005, an undercover unit of Israeli occupying forces, backed by 15 military vehicles, shot and killed two Palestinians, Loai Assadi and Majed Samir Al-Ashqar, in the West Bank town of Tulkarem. In addition to the killings, the Israeli occupying forces persist with their extensive campaign of arresting and detaining Palestinian civilians in grave violation of international law. In this regard, Israeli occupying forces continue to round up and detain more Palestinian civilians throughout the Occupied Palestinian Territory, including East Jerusalem.

The Palestinian leadership calls upon the international community to take measures to address the current situation in the Occupied Palestinian Territory, including East Jerusalem, as a result of the ongoing and blatant aggressions being committed by Israel, the occupying Power, against the Palestinian people. We continue to express our strongest hopes that the necessary measures will be taken in this regard.

It is also important to highlight the letter dated 16 October 2005 and the accompanying report dated 17 October 2005 that were sent to the members of the Quartet by Mr. James Wolfensohn, the Special Envoy for Disengagement. In the letter, Mr. Wolfensohn criticized Israel for behaving as if it had not withdrawn from

the Gaza Strip, by blocking its borders and failing to fulfil commitments to allow the movement of Palestinians and goods.

"The Government of Israel, with its important security concerns, is loath to relinquish control, almost acting as though there has been no withdrawal," he had stated in the letter. Moreover, in the accompanying report to the Quartet, Mr. Wolfensohn warned that the lack of agreement was undermining the prospects for rebuilding Gaza: "Without a dramatic improvement in Palestinian movement and access, within appropriate security arrangements for Israel, the economic revival essential to a resolution of the conflict will not be possible." We call upon the members of the Quartet, and the international community, to exert pressure on the occupying Power to relinquish its control over the Gaza Strip, including the freedom of movement of Palestinian persons and goods, and to actively engage in resolving the host of remaining issues.

This letter is in follow-up to our previous 223 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 10 October 2005 (A/ES-10/309-S/2005/640), constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you, at least 4 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,749. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 25 October 2005 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Sunday, 16 October 2005, to Sunday, 23 October 2005)

Sunday, 16 October 2005

Nihad Khaled Abu Ghanem

Sunday, 23 October 2005

1. Loai Assadi
2. Majed Samir Al-Ashqar
3. Raed Mohammed Shehdeh

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,749.

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Agenda item 19
Question of Cyprus

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Sixtieth year

Letter dated 25 October 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to bring to your attention a series of grave violations of the military status quo perpetrated recently by the Turkish Occupation Forces in Cyprus, including an unprecedented incident of pointing of weapons at the Force Commander of UNFICYP, Major General Herbert Figiel, and other members of the Force, in the buffer zone area of Louroujina, on 31 August 2005 (at around 6.40 p.m.).

Specifically, on 16 August 2005 the Turkish Occupation Forces in Cyprus suddenly began construction of a new guardhouse in the militarily sensitive area of Louroujina and some days later placed a warning signpost and two flagpoles by the road in the buffer zone leading to the said guardhouse. In total disregard of several repeated demarches and protestations of UNFICYP, both on the ground and to the political and military leadership of the Turkish side, the Turkish Occupation Forces continued the construction work for several days, in a confrontational and provocative manner towards UNFICYP personnel present in the area, culminating on 31 August 2005 with the aforementioned gun-pointing incident against the Force Commander and members of UNFICYP, in the presence and under apparent instructions and encouragement of high-ranking officers of the Turkish army.

Notwithstanding the removal, following the demarches of UNFICYP, of the warning signpost on 19 September 2005, the violation of the military status quo persists since the new guardhouse offers possible operational advantages to the Turkish Occupation Forces, in an area where the latter have a long record of moving forward across their ceasefire line into the buffer zone, especially in the period from 1976 to 1989. The attempts of the Turkish Occupation Forces to justify post facto the building of the new guardhouse on claims of controlling illegal crossings in the area are, in fact, nothing more than an effort aimed at diverting attention from the military aspect of the said construction.

It should be noted that the violation of the military status quo in Louroujina constitutes the latest development in a series of other violations perpetrated by the

Turkish Occupation Forces during the last six months, in an obvious effort to enhance their military capability, as summarized below:

- In April 2005, the Turkish Occupation Forces constructed a reinforced observation post on the heights of Stavros in the area of Lyssi/Ina.

- In May 2005, the Turkish Occupation Forces installed a high powered surveillance system, ASELSAN 7930, just opposite the observation post of UNFICYP, in the area of Kokkina.

- On 2 August 2005, the Turkish naval vessel TCG Ada-6 (P-306) placed buoys in the territorial waters of the Republic of Cyprus in the area of Kokkina, in an attempt to extend the ceasefire line seaward.

Full details on these violations of the military status quo have been duly reported to UNFICYP by the competent authorities of the Republic of Cyprus.

It should also be noted that in August 2005 the Turkish army opened the seashore of the fenced area of Varosha for usage, in violation of the status quo of the area and relevant Security Council resolutions, including resolution 550 (1984), which calls for the transfer of Varosha to the administration of the United Nations. In that regard, it should be recalled that the United Nations held the Government of Turkey responsible for the fenced area of Varosha.

The aforementioned violations constitute the latest additions to the long list of previous provocations by the Turkish army, including the illegal activities in Strovilia since 2000, when the Turkish Occupation Forces violated the military status quo by moving forward across their ceasefire line into the buffer zone. In that case, relevant Security Council resolutions have repeatedly urged the Turkish Occupation Forces to restore the status quo ante in the area, but to no avail.

Moreover, it should also be mentioned that on 13 October 2005, two F-16 and two RF-4 Turkish military aircraft flying in a single formation violated three times international air traffic regulations, and once the national airspace of the Republic of Cyprus. Initially they entered the flight information region (FIR) of Nicosia from an easterly direction (FIR of Ankara) without prior notice, and then flew perimetrically along the south coast of Cyprus at a distance of 17 nautical miles, the distance was reduced to 10 nautical miles over the Akrotiri area. The four aircraft violated the national airspace of the Republic of Cyprus, flying over the occupied area of Karpasia before exiting towards the FIR of Ankara. It is also noted that while in the south-east part of the FIR of Nicosia the formation entered an activated dangerous zone (LCD31) where five Boeing aircraft were involved in a military exercise.

Furthermore, on 14 October 2005, two F-16 and four RF-4 Turkish military aircraft, flying in a single formation, twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus. Initially they entered the FIR of Nicosia from the FIR of Ankara without prior notice and then overflew perimetrically along the south coast of Cyprus at a distance of 14 nautical miles and at 10 nautical miles while approaching the Akrotiri area. The formation violated the national airspace of the Republic of Cyprus flying near the Akrotiri area and over the occupied area of Karpasia before exiting towards the FIR of Ankara.

In both of these incidents, the Turkish military aircrafts did not make contact with the Nicosia flight control nor did they submit flights plans to the competent

authorities or request the appropriate clearance permission, thus posing a serious threat to civil aviation in the area.

It is all the more regrettable, as well as conspicuous, that this pattern of violations of the status quo and acts of provocation by the Turkish Occupation Forces have occurred during a period when Turkey's long-sought European Union aspirations were about to take a quantum leap forward, with the opening of accession negotiations. Instead of promoting its occupation policy, Turkey should now seek ways of cooperation to achieve a mutually accepted and lasting settlement to the Cyprus issue, in accordance with relevant United Nations resolutions, contributing to the maintenance of stability and prosperity in the region.

On behalf of my Government, I would like to strongly protest the aforementioned pattern of violations of the status quo by the Turkish Occupation Forces in Cyprus and hereby call for their immediate cessation and the restoration of the status quo ante.

It should be stressed that the maintenance of the ceasefire and the military status quo remains the primary function of UNFICYP, in accordance with the mandate of the Force, as defined by Security Council resolution 186 (1964) and subsequent resolutions. In that regard, the Government of the Republic of Cyprus expects that UNFICYP will take all necessary measures and actions for the implementation of its mandate, and evaluate ways and means for the handling of this kind of situation, within its recently amended concept of operations and force levels.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(Signed) Andreas D. [redacted]